

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
APRIL 15, 2014**

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. Notice has been posted on the bulletin board at Town Hall on April 10, 2014 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: George Fisher
Nella Hamtil
John Haug
Zach Rich
Hal Shute
Rob Tomenchok
Chester Urbanski
Bob Balaam – Alt. #1
Jim Cally – Alt. #2
Attorney Shurts
Planner McManus

Excused: Steve Bergenfeld
Art Neufeld

Approval of Bill List

Mr. Urbanski questioned an invoice from Planner McManus which included a \$20.00 charge for mileage. He noted that her contract does not include reimbursement for mileage. Planner McManus commented that the charge was in error and indicated she would provide the Township with a corrected bill.

Mr. Urbanski questioned an invoice from Engineer Burr with included charges for review work. Mr. Urbanski commented that the Board never received any memos or reports regarding the review work. Several Board Members and Planner McManus explained that often times the professionals will collaborate on a matter with only one professional actually issuing a report or memo. Mr. Urbanski wasn't satisfied and asked that invoice number #228294 from Maser Consulting be held until Engineer Burr can provide further clarification on his billable time.

A motion by Fisher, seconded by Urbanski to approve the vouchers for payment as listed on the 4/15/14 bill list with the exception of the two bills in question was unanimously approved by roll call vote.

Resolutions of Approval

Resolution PB#2014-07 – JCP&L – Preliminary & Final Major Site Plan Approval with Variances – Substation Upgrade – Block 17 Lot 37: Rocktown-Lambertville Road

A motion by Fisher, seconded by Shute to approve Resolution PB#2014-07 with a few minor grammatical/language revisions noted was approved by roll call vote.

Applications

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

Unfinished Business

Discussion – Woodlands Ordinance – Status Update

Planner McManus reviewed her latest draft of the woodlands ordinance noting the following highlights:

1. The ordinance will be relocated to the zoning section of the Township Code for the purpose of enforcement and variance review from any deviation. It was also noted that a reorganization of the Township's critical environmental areas, stream corridor and woodlands ordinance was proposed to be included in one Article titled, "Environmental Features" with input and review from the Environmental Commission.
2. There was some discussion on specimen trees. Planner McManus commented on the value of knowing exactly what is going to be disturbed on any tract of land for major subdivision and major site plan approvals. Mr. Shute commented on the excessive amount of trees that could potentially be included on a large parcel. It was the consensus of the Board to keep the original language which refers to specimen trees "in the area of disturbance" and delete the language that refers to "within the tract."
3. Woodlands retention requirements were discussed with Planner McManus stating that the intent is to provide greater protection and better clarity within the ordinance. Mr. Urbanski suggested a percentage of a tract be established rather than a specific square footage. It was noted that the example of 10% on a 10 acre parcel would not be sufficient for a developer. Therefore, it was the consensus of the Board to ask Planner McManus to go back and review each zone and try to establish what the proper percentage might be.
4. Minimizing the impact developers have on woodlands was discussed. Planner McManus noted she put guidelines back in the ordinance requiring developers to build in such a way as to avoid or minimize removal of woodlands which provide enhanced environmental or scenic value. Planner McManus commented that such guidelines would prevent a developer from clearing woodlands along a scenic roadway. Chairman Tomenchok remarked that he believed this would fall under the Best Management Practices and didn't have to be part of the ordinance. Ms. Hamtil disagreed. Chairman Tomenchok asked if the language is enforceable. Planner McManus confirmed that it is enforceable. Mr. Shute asked how a critical groundwater recharge area could be identified. Planner McManus indicated the language was simply to protect the health of these critical areas within the Township. Chairman Tomenchok commented that the long term viability of a septic system trumps woodlands and he remarked that he didn't think anyone was going to cut down trees if they didn't have to. Ms. Hamtil suggested the language stay in until Engineer Burr can provide his input on the matter.

A poll of the Board Members indicating whether or not to leave the critical groundwater recharge language in or out revealed:

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Chester Urbanski – in
Bob Balaam – in
Nella Hamtil – in
Rob Tomenchok – out
Zach Rich – out
George Fisher – in
Jim Cally – in
Hal Shute – out

5. Exceptions to the woodlands ordinance were discussed. It was noted that Christmas tree farms and commercial nurseries and fruit orchards would be exempt from the ordinance. Mr. Haug suggested that language be added indicating that Christmas tree farms and nurseries cannot be clear cut. Planner McManus agreed with the suggestion.

Chairman Tomenchok opened the floor to public comment on the woodlands ordinance. Ron Shapella of 26 Lakeview Road came forward and remarked that the existing woodlands ordinance had survived the Fulper lawsuit and expressed concern with removing the priority woodlands language. Chairman Tomenchok clarified that now all woodlands in the Township are being treated as priority woodlands. Mr. Shapella commented that specific criteria is needed because everything can't be considered priority woodlands. Mr. Shapella also expressed the importance of conservation easements noting that all of the Sourlands is a protected area.

Discussion – Route 31 and Permitted Uses – Status Update

Planner McManus noted that drive-throughs are conditionally permitted in 2 districts within the Township: The HC (Highway Commercial) and the LHC (Limited Highway Commercial). She outlined the following conditional use standards that must be met in order for drive-throughs to be permitted:

1. Drive-throughs shall not be permitted on any lot with frontage or access to Route 29.
2. The use which the drive-through will serve shall be a permitted use in the zone district.
3. A bypass lane shall be provided. No median or curbing shall prevent a vehicle in an adjacent lane from accessing the bypass lane.
4. Noise levels from any speaker system or other noise associated with the drive-through shall not exceed 50 decibels at any property line of the site.
5. Drive-through facilities, such as aisles, related signage and windows shall have a minimum setback of 50 feet to the nearest property line. Where adjacent to a residential use or district, the minimum setback shall be 75 feet.
6. Vehicle stacking shall not restrict access into or out of parking spaces, driving aisles for site circulation or loading and trash storage areas.
7. Signage for use by drive-through users shall not face a public street. This shall not apply to directional signs.

It was noted that this ordinance will be 109-112.1 not 109-115.2 as referenced in Planner McManus's draft.

Mr. Shute asked about lighting for drive-throughs. Planner McManus commented that the lighting is governed by the lighting standards in the code for the Township and is not specific to drive-throughs.

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There was some discussion on where drive-throughs should be permitted. The consensus of the Board was to allow them only on Route 31 and not on Route 179. Planner McManus pointed out that the LHC district allows restaurants, banks and retail establishments all of which can have drive-throughs associated with them. The Board still wished to limit drive-throughs to Route 31. It was noted that Planner McManus will rework the ordinance to prohibit drive-throughs along Route 179.

Mr. Shute commented on permitted uses saying that quarries are looking for new locations because in some places they are running out of life at their existing locations. He suggested quarries be removed from the permitted use chart in the ordinance. Planner McManus noted that she would like to get rid of the chart and just list a few permitted uses within each district.

Mr. Urbanski thanked the woodlands ordinance subcommittee for all of their work on the ordinance revision.

Discussion – SHREC Project – Status Update

Mr. Fisher commented that the community aggregation has been completed under South Hunterdon Regional Energy Co-op (SHREC) but noted there has been no activity at the schools on the project. He indicated the next school board meeting will be 5/5/14 at South Hunterdon High School.

New Business

Chairman Tomenchok commented that communication between the Township and the residents needs to be increased. He suggested a monthly or quarterly activity report be produced and sent to the Township Committee for posting on the Township's website. It was noted that some board members expressed support for the idea.

Planner McManus was excused from the meeting at this time, 9:11 PM.

Correspondence

Letter dated 3/14/14 from Attorney Kent-Smith, re: QuickChek Sign

It was noted that QuickChek had gone to the Board of Adjustment seeking permission to install a new internally illuminated light-emitting diode (LED) free standing sign on the property. The Board of Adjustment ultimately determined that it did not have jurisdiction to modify a prior variance denial from 2011. It was noted that the Township Committee may modify the sign ordinance in order to permit internally illuminated LED signage if it wished to do so. The letter from Attorney Kent-Smith was requesting the opportunity to come before the Township Committee to discuss whether or not they would consider modifying the sign ordinance to permit QuickChek to install an internally illuminated LED sign on their property.

It was noted that the Planning Board was provided with a copy of the letter for informational purposes only and took no action on the matter at this time.

Open to the Public

A motion by Fisher, seconded by Urbanski to open to the public was unanimously approved. Seeing no members of the public come forward, Chairman Tomenchok closed the floor to public comment.

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Approval of Minutes

A motion by Fisher, seconded by Cally to approve the Board's open session minutes from 3/18/14 as revised was approved with Ms. Hamtil, Mr. Haug and Mr. Urbanski abstaining.

A motion by Shute, seconded by Balaam to approve the Board's executive session minutes from 3/18/14 with no revisions noted was approved with Ms. Hamtil, Mr. Haug and Mr. Urbanski abstaining.

Adjournment

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

The meeting adjourned at 9:30 PM.

Maria Andrews, Planning Board Secretary