

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
August 19, 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 August 14, 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:** Steve Bergenfeld  
George Fisher  
John Haug  
Art Neufeld  
Zach Rich  
Rob Tomenchok  
Chester Urbanski  
Bob Balaam – Alt. #1 (*arrived at 7:45 PM*)  
Jim Cally – Alt. #2

**Excused:** Nella Hamtil  
Hal Shute

It was noted for the record that the agenda was re-ordered to discuss the presentation of bills before the executive session and to discuss the signage at South Hunterdon Regional High School prior to the informal concept review presented by QuickChek Corporation.

**Resolutions of Approval**

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

**Applications**

**Informal Discussion – Signage at South Hunterdon Regional High School**

South Hunterdon Regional High School Superintendent Dr. Lou Muenker was present for the discussion. He provided a depiction of the proposed new sign to the Planning Board and explained that the existing sign sits in a stone planter and must be manually updated. The proposed new sign has an updated design and will be electronic. It will have stone blocks up the sides with a metal roof. Dr. Muenker commented that a former teacher has donated the money for the new sign.

There was some discussion regarding the lighting of the sign. Dr. Muenker explained that the existing sign is lit and the new one will be as well. He indicated it will have wifi capability that will allow the school to update the sign remotely. He offered to collaborate with the Township on announcements whenever possible.

Chairman Tomenchok suggested that the High School reach out to the surrounding neighbors regarding glare or other concerns. Dr. Muenker agreed to do so and commented that the 4-way stop at the intersection has mitigated any potential distraction from the lighted signage on the property.

Mr. Urbanski commented that the Township doesn't allow internally lit signs. Attorney Shurts explained that the school is exempt from formal approval by the Planning Board and noted that Dr. Muenker was simply extending a courtesy review by attending this evening's meeting.

Dr. Muenker noted that the sign will be installed as soon as possible.

**Informal Concept Review/Discussion – QuickChek Corporation: Proposed Sign Ordinance Modifications – Route 31 and Route 579 Linvale-Harbourton Road**

It was noted for the record that Chairman Tomenchok recused himself from this discussion noting that he is employed by Allied Electronics, that he wrote the interface for the Light-Emitting Diode (LED) signs and indicated QuickChek is a customer of Allied Electronics.

Vice Chairman Urbanski covered this portion of the meeting.

Present for this discussion was Attorney Dan Madrid on behalf of QuickChek Corporation, Project Manager James Ambrose and Planner Christine Nazzarro Cofone.

Vice Chairman Urbanski commented that this is an informal presentation, not a public hearing and therefore no action will be taken by the Board this evening. Attorney Shurts clarified that there were no legal requirements that needed to be met.

Vice Chairman Urbanski confirmed that an escrow fee had been received and stated that he was going to refer to the people here this evening as "QuickChek" rather than "the applicant" and explained the history of the matter saying QuickChek appeared before the Zoning Board of Adjustment on 1/25/11 and their application for a variance was denied. They appeared again before the Zoning Board of Adjustment on 2/25/14 where the Board denied the application again because they believed they had already made a decision on the matter at the 1/25/11 meeting. Vice Chairman Urbanski noted that QuickChek is here this evening to ask the Planning Board to modify the existing sign ordinance to allow for LED signs. He commented that he has been on the Board for a long time and doesn't ever recall such a unique request. He stated he will give QuickChek 20 minutes to present their case.

Attorney Shurts clarified that QuickChek is trying to get the process started for what may ultimately be a zoning change. He indicated that when a request like that is made to the Governing Body, they would typically forward it to the Planning Board for the Board to consider whether or not to recommend the change. He clarified that the Planning Board's job tonight is to simply listen to QuickChek's request and consider making a recommendation to the Governing Body if they feel compelled to do so.

Mr. Fisher added that someone representing QuickChek did come before the Township Committee asking for the sign ordinance to be modified and at that time the Committee referred them to the Planning Board.

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Attorney Madrid explained the issue is whether or not there is any way to reconcile the Township's interest in preserving the rural characteristic of the town by also allowing an amendment to the sign ordinance which would help to promote public health, safety and welfare. He suggested that there are appropriate circumstances, like traveling down a highway, where it is important to be able to identify a location such as a gas station. He added that the second issue is whether the requested amendment materially affects the zoning ordinance. Attorney Madrid asked that if the Board is agreeable they would ask that the Board make the recommendation to the Township Committee.

Project Manager James Ambrose came forward and explained that modern sign lighting has been transformed over the past 20 years allowing for energy efficient LED lighting to replace externally lit signage in large part. He noted that internally lit LED signs have mechanisms to control the light intensity and allow drivers to read the information clearly and referred to a few studies that support the benefits of LED signage.

Planner Christine Cofone clarified that they are not asking for a re-zoning, but rather a modification to the sign ordinance to allow for LED signage. She noted that the Board can restrict the modification to allow for such signs in appropriate areas throughout the Township, specifically along state highways or at major intersections. Planner Cofone expressed that she believes the requested change is consistent with the Master Plan's Circulation Element because that section talks about recognizing the evolving nature of the town and the region but also expresses the desire to strike a balance with economic development. Planner Cofone noted that she believes their request is consistent with the Township's Master Plan remarking that the LED signs which were once considered intrusive are no longer such because of the advanced technology. She added that the Master Plan speaks about the goal of the highway commercial zone being to facilitate the development of attractive commercial development while avoiding the typical strip commercial development of the past. Planner Cofone endorsed the LED signage as being attractive and supportive of commercial development.

Vice Chairman Urbanski clarified that the Route 31 corridor is actually a limited highway commercial zone.

Mr. Neufeld asked if the other aspects of the sign will be illuminated or just the gas prices. Project Manager Ambrose handed out a color rendering and explained that the sign will be internally illuminated with the prices shown in LED's. He noted the lighting can be adjusted to avoid glare. Mr. Haug asked if there was another sign in the area that depicts what they are proposing. Project Manager Ambrose noted that the closest one would be in Bound Brook, New Jersey.

Planner McManus commented that she visited the site today and noticed that QuickChek's existing sign can be seen from as far south as Pine Creek Mini Golf and the sign can be seen at least as far on the north side. She explained that the topography of the area allows the sign to sit at the top of a slight hill along Route 31. Planner McManus remarked that she is not sure that there is any health or safety concern over the visibility of the existing sign since it can be seen far in excess of the distance needed to brake and access the site. She asked if QuickChek has done any analysis of the safety concerns for the site. Attorney Madrid noted that he has read some studies regarding the visibility of signage with regard to up-lighted signs vs. internally illuminated signs.

Planner McManus noted that seeking approval for an internally illuminated sign is different than approval for a sign displaying gas prices. Attorney Madrid agreed. She also noted that Route 31 is designated as a scenic corridor in the Township's Master Plan which is an important detail.

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Mr. Cally asked if the sign will be re-oriented in any way because it cannot be seen from Linvale-Harbourton Road. Attorney Madrid indicated there is no proposal to move the sign at this time.

Vice Chairman Urbanski commented that the time was up for QuickChek's presentations and indicated he would like to get input from Planner McManus and Engineer Burr regarding the requested modification to the sign ordinance. Planner McManus remarked that Engineer Burr's input may be premature at this point and suggested that she will provide recommendations on the matter for the Board's review at next month's meeting.

Mr. Rich commented that he doesn't have a problem with Planner McManus providing recommendations and noted that there are 2 out of the 3 Committeemen on the Planning Board and suggested that the decision is really whether or not the Board wants to promote the business corridor or not. Vice Chairman Urbanski stated that the Board is not here to promote QuickChek or to make their life easier or to let them have more money. He said it's simply a matter of whether or not the Board wants to change the sign ordinance.

Mr. Bergenfeld suggested a poll of the Board be taken in order to give Planner McManus input for her recommendations and commented that he would like to extend the courtesy to an existing business in the community who is paying a lot of taxes. Vice Chairman Urbanski disagreed and remarked that continued discussion on the matter will take place next month.

Chairman Tomenchok returned to the Board at this time.

**Unfinished Business**

**Discussion – Recommendations to Township Committee to Adopt Ordinance 11, 2014 – An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – Environmental Features**

Mr. Fisher noted that the name of the mayor needs to be updated. A motion by Urbanski, seconded by Fisher finding Ordinance 11, 2014 consistent with the Master Plan and zoning regulations was made recommending that the Township Committee adopt the ordinance as revised. The motion was unanimously approved by voice vote.

**Discussion – Permitted Uses – Review of Draft Dated 7/11/14**

Mr. Urbanski commented that he was disappointed with the draft noting that he believes the expressed uses are too broad. Planner McManus apologized and clarified that she intentionally drafted the document in a broad fashion explaining that the uses are broad to eliminate potential use variance applications for uses that are considered to be appropriate and consistent with the list of permitted uses but not specifically listed. She suggested that a subcommittee be set up to review the list of permitted uses and report back to the Board with recommendations and then she can create definitions for each of the uses.

After some brief discussion it was the consensus of the Board to ask Planner McManus to send an electronic version of the draft along with sample permitted use ordinances from other towns for review.

**Discussion – South Hunterdon Regional Energy Co-op (SHREC) Project – Status Update**

Mr. Fisher explained that there are some issues with the lease agreement that are holding up the project. He remarked that the matter is currently being worked out between Swan Creek and the Township.

**New Business**

**Planning Board Endorsement of Letter of Support for South Hunterdon Regional High School Track and Turf Field**

Mr. Rich stated that this matter was tabled at the Township Committee meeting and indicated that there is nothing for the Planning Board to act on at this time.

**Discussion – Establishing a Planning Board Screening Committee or Application Review Committee (ARC)**

Mr. Bergenfeld explained that such a committee would utilize 2 or 3 Planning Board members to provide opinion to applicants in an effort to make the application and public hearing process run smoother. Planner McManus indicated that such committees can be quite helpful. Mr. Fisher commented that he believed the Board's checklist did this. Chairman Tomenchok commented that he believes the checklist needs to be revised. Mr. Urbanski expressed opposition to establishing such a review committee.

After some brief discussion Chairman Tomenchok noted that there is a process already in place and suggested that the checklist be revised in order to facilitate the application process. It was noted that Mr. Cally and Engineer Burr will work on revising the checklist.

**Open to the Public**

Chairman Tomenchok opened the floor to public comment. Seeing no members of the public come forward, Mr. Cally asked for an update on the BDNJ application. Mr. Urbanski commented that they are currently before the Zoning Board of Adjustment seeking variance approval and noted the application was carried because the Board needed additional information.

**Approval of Bill List**

Mr. Urbanski commented on two invoices from Planner McManus:

Invoice 59370 showed 2.0 billable hours and Mr. Urbanski noted that the minutes reflect Planner McManus was at the Board's 5/20/14 meeting for only 1.1 hours.

Invoice 59611 showed billable hours for 1.8 hours but should have been 1.4 hours based on the Board's 6/17/14 minutes. Planner McManus indicated she would review the billing and report back to the Board.

A motion by Urbanski, seconded by Cally to approve the bills for payment with the exception of invoices 59370 and 59611 as listed on the Board's 8/19/14 bill list was unanimously approved by roll call vote.

It was noted that Planner McManus left the meeting at this time, 9:02 PM.

**Executive Session**

Chairman Tomenchok read Resolution PB#2014-09 authorizing an executive session for the purpose of discussing personnel and professional's contracts into the record. A motion by Rich, seconded by Urbanski to enter into executive session was unanimously approved by voice vote.

The Board was in executive session from 9:02 PM – 9:14 PM.

A motion by Haug, seconded by Urbanski to return to open session was unanimously approved by voice vote.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 9:14 PM.

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**Approval of Minutes**

A motion by Urbanski, seconded by Neufeld to approve the Board's 6/17/14 open session minutes with no revisions noted was approved with Mr. Fisher, Mr. Rich and Mr. Balaam abstaining.

A motion by Urbanski, seconded by Cally to approve the Board's 6/17/14 executive session minutes with no revisions noted was approved with Mr. Fisher, Mr. Rich and Mr. Balaam abstaining.

**Adjournment**

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

The meeting adjourned at 9:18 PM.

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Maria Andrews, Planning Board Secretary