

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
October 21, 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 October 16, 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
Nella Hamtil
John Haug
Art Neufeld
Zach Rich
Hal Shute
Rob Tomenchok – *Chairman*
Chester Urbanski
Bob Balaam – *Alt. #1*
Jim Cally – *Alt. #2*

Excused: No one

Approval of Bill List

A motion by Ms. Hamtil, seconded by Mr. Haug to approve the vouchers for payment as listed on the 10/21/14 bill list was approved by roll call vote with Mr. Urbanski abstaining.

Resolutions

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

Applications

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

Unfinished Business

Discussion – Permitted Uses – Status Update

Mr. Urbanski presented a draft document and explained that he worked primarily with the code as it currently exists on line, district by district. He noted that the residential districts are combined and that there are two prohibited uses in the Sourlands Regional Planning District (SRPD) which are permitted in the other residential districts. He clarified that they are golf courses and schools which are noted accordingly. Mr. Urbanski also explained that in order to eliminate redundancy within the code, he consolidated repeated language with full verbiage shown at the end of the document and condensed the number of permitted uses listed in each district if they were similar.

Mr. Urbanski noted that he had prepared two drafts: D-1 which he referred to as “bare bones” and said this version eliminates all of the extra words and verbiage, and D-2 which he remarked contains all of the language in the existing code. He clarified that the code refers to sections 109-79 through 109-83.

There was some discussion on Schedule Three: The Schedule of Permitted Uses which exists in the code in a table format. Chairman Tomenchok suggested that since the table already exists it may be prudent to simply add language to clarify the uses. It was the consensus of the Board to keep the table and add verbiage and annotations for clarity.

Mr. Neufeld noted that the on-line code is not always updated with the most recent version of ordinances. Chairman Tomenchok stated that the Code Book is always updated first and should be the go to source when referencing the ordinances.

The following questions came up during the permitted use discussion that will require clarification from Planner McManus:

1. What is the origin and requirement for community residences?
2. The use of specific language – Places of Worship/Churches vs. Places of Assembly
3. Confirmation that there actually are conditional uses associated with major solar developments
4. Determination as to whether or not solar is prohibited in the R1-A zone

The Board requested that Planner McManus review Mr. Urbanski’s drafts of the permitted uses and compile a new table based on those amendments and recommendations for discussion at next month’s meeting.

Discussion – Sign Ordinance Modifications – Status Update

Mr. Fisher commented that the Township Committee needs more time to review the matter and that no recommendations are being made at this time.

New Business

Recommendation to Township Committee – Adoption of Ordinance 21, 2014: An Ordinance Amending Chapter 109 of the Code of the Township of West Amwell – Woodlands Protection

A motion was made by Mr. Urbanski and seconded by Ms. Hamtil finding Ordinance 21, 2014 consistent with the Master Plan and zoning regulations. The motion was unanimously approved by voice vote and the Board recommended adoption by the Township Committee.

Correspondence

Letter Dated 9/26/14 from Attorney Shurts, re: BDNJ/Creekside

Mr. Cally asked for clarification on this matter. Attorney Shurts explained that BDNJ has agreed to drop their lawsuit but they are waiting until after the 45 day appeal window has passed. He clarified that the 45 days is calculated from the day the memorialization of the resolution is published in the newspaper. Chairman Tomenchok commented that he wanted the record to reflect that BDNJ should pay all of the bills for the time Attorney Shurts spent on this matter because they were initially advised to seek approvals from the Board of Adjustment rather than the Planning Board and they didn't listen. Mr. Urbanski thanked Attorney Shurts for all of his effort on this matter.

New Business - Other

Mr. Shute mentioned that there is a potential farmland preservation deal that may be contingent upon a company operating in an exception area. He remarked that upon second thought, he believes it may be beneficial to ask the Environmental Commission and the Agriculture Advisory Committee to look into the issue. Mr. Urbanski suggested that Mr. Shute wait to seek any input until an actual preservation application is received.

Mr. Shute also noted that Mt. Airy has a legacy known as the Mt. Airy By-Pass. He commented that Lots 1 and 1.01 are depicted as having a "paper road" on the Holcombe property. He explained that the idea was to have an alternate route around Mt. Airy. Mr. Shute indicated that the Holcombe's are in the process of buying back Lot 1.01 and he wanted input from the Planning Board on whether or not it made sense to keep the paper road on the tax map. Attorney Shurts commented that there is an easement for this access but stated he is not sure who would have the right to put the actual road in. Mr. Bergenfeld commented that he doesn't believe it makes sense to give the easement up for nothing. Mr. Shute clarified that if the easement remains then the Township will not consider preserving the land and he just wanted the Board to ponder the issue.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 8:42 PM.

Approval of Minutes

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to approve the Board's 9/16/14 minutes as revised was approved by voice vote with Mr. Rich, Mr. Shute and Mr. Cally abstaining.

Adjournment

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

The meeting adjourned at 8:44 PM.

Maria Andrews, Planning Board Secretary