

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
February 17, 2015**

The West Amwell Township Planning Board Meeting was called to order at 7:00 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: The 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 the Times of Trenton on January 29, 2015. Notice has been posted on the bulletin board at Town Hall on February 12, 2015 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 Planning 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.

**Oaths of Office**

Attorney Shurts administered the following oaths of office:

John Dale – Class III

George Fisher – Class I

**Attendance – Roll Call**

**Present:** Steve Bergenfeld  
John Dale  
George Fisher  
Art Neufeld  
Hal Shute  
Rob Tomenchok – *Chairman*  
Bob Balaam – *Alt. #1*  
Jim Cally – *Alt. #2*  
Attorney Shurts  
Engineer Burr  
Planner McManus

**Excused:** Nella Hamtil  
John Haug  
Chester Urbanski

**Approval of Bill List**

A motion by Mr. Fisher, seconded by Mr. Dale to approve the vouchers for payment as listed on the Board's 2/17/15 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.

**Applications**

**Public Hearing/Discussion: Investment Group, LLC – Block 3 Lot 20.60: Preliminary & Final Site Plan Approval – 1481 Route 179 (*Construction of retail/office building*)**

Attorney Shurts explained that after the Board’s January meeting, he advised the applicant’s attorney to notice public hearings for both applications even though the Board would likely only be able to get through one application, it was possible testimony could begin on the other one and questions may arise since the properties for both applications are adjoining. Attorney Shurts indicated that the Hunterdon County Democrat inadvertently only published one of the public notices, not both and it happened to be for Block 3 Lot 20.60, the application that Engineer Burr was recommending be deemed incomplete because a New Jersey Department of Environmental Protection (NJDEP) Letter of Interpretation (LOI) regarding the wetlands is needed as well as some other items.

A motion by Mr. Fisher, seconded by Mr. Bergenfeld to deem the application for Investment Group, LLC – Block 3 Lot 20.60: Preliminary & Final Site Plan Approval incomplete was unanimously approved by voice vote.

**Public Hearing/Discussion: Investment Group, LLC – Block 3 Lot 21: Preliminary & Final Site Plan Approval – 1483 Route 179 (*Construction of warehouse/office building*)**

Engineer Burr referred to his review memo dated 2/10/15 and noted that the applicant was requesting submission waivers from the following checklist items:

1. Report documenting the result of all soil tests and logs
2. Environmental impact statement
3. Wetlands report
4. Cross sections of existing and proposed streets
5. Plan and profile of existing and proposed streets
6. Plan and profile of all existing and proposed gas service
7. Plan and profile of all existing and proposed electric service
8. As-built plans

Engineer Burr indicated that the application could be deemed complete with the requested waivers noting that any of the waived items could be requested later if it’s determined they are needed during the course of the testimony provided on the application.

A motion by Mr. Fisher, seconded by Mr. Shute to deem the application for Investment Group, LLC – Block 3 Lot 21: Preliminary & Final Site Plan Approval complete was unanimously approved by voice vote.

It was noted for the record that Attorney Shurts will advise the applicant’s attorney to re-notice the public hearings for both applications for the Board’s 3/17/15 meeting.

A gentleman from the public spoke up and identified himself as Eric Hernandez. He explained that he had come to the meeting because he thought there was going to be a public hearing on the property located at Block 3 Lot 21. He stated he lives in close proximity to this property and has concerns with noise and some other issues. Chairman Tomenchok explained that because the applicant had a problem with their public notice, the board could not hear the applications this evening and indicated the public hearings will

be scheduled for the Board's 3/17/15 meeting. He informed Mr. Hernandez that he will be able to express all of his concerns at that time.

### **Unfinished Business**

#### **Discussion – Permitted Uses – Status Update**

Planner McManus explained that there were a few minor changes made to the table. Specifically, it was alphabetized and some additional categories were combined. Mr. Shute asked why accessory dwellings are conditional in all zones. Planner McManus clarified that even though they are conditional in all zones, the conditions still need to be specified. Mr. Shute asked if the Board really wants it to be that way in the commercial and industrial zones. Planner McManus remarked that that is a policy decision and stated that the way it is envisioned currently is to allow a residential unit that is accessory to any use such as an office, self storage, a caretaker or anything else but noted the conditions still need to be specified. For example, stating the housing must be used for an employee.

Mr. Shute commented that he personally would not like to prohibit having a dwelling of any kind on a commercial property. Chairman Tomenchok remarked that he doesn't believe there is any area within the Township that would be unsuitable for an accessory dwelling. Mr. Bergenfeld added that there are properties with mixed uses now that have an existing dwelling and a commercial use.

Mr. Shute stated he has a property he is trying to preserve and said he cannot write up the contract unless the Township allows the accessory dwelling and expressed the importance of moving forward on drafting an ordinance to permit accessory dwellings. It was noted that the subject parcel is a 57 acre farm. Planner McManus commented that unless the Board wishes to make a quick change, she didn't believe Mr. Shute could wait for this process because it will likely hold up the preservation of the property he referred to. Chairman Tomenchok asked if the change was innocuous. Mr. Shute stated he didn't know and explained that currently the property owner can have an accessory dwelling but one of the existing conditions states it must be for agricultural labor. Chairman Tomenchok stated he thought there was discussion on tightening up that language, but not removing it entirely. Mr. Shute remarked that what was discussed was that instead of having an agricultural labor unit for every 10 acres, there would be a restriction on the size of the property but not the use of the accessory dwelling.

Planner McManus suggested the property owners come in for a "D" variance which would run with the land regardless of whether or not the property is preserved. Mr. Shute stated the property owners will want him to guarantee approval of the variance which he is unable to do.

The Board re-focused the discussion on the permitted use table. Mr. Neufeld referred to machine repair and service being permitted in neighborhood commercial and asked if it really belongs there if it involves heavy equipment. Mr. Bergenfeld commented that neighborhood commercial is only a small area on Route 518 which is appropriate.

Chairman Tomenchok moved along to the definitions prepared by Planner McManus. She explained the most recent revisions include updated definitions for light and heavy manufacturing to specify additional details. She noted that use of the following materials is prohibited in light manufacturing: crude oil or similar petroleum products, tanning, chemical, explosive, radioactive, herbicides and similar hazardous materials. Mr. Bergenfeld supported the changes and said the document looked good.

Mr. Shute asked about the reference to stone. Planner McManus clarified that stone is prohibited in light manufacturing and permitted in heavy manufacturing. She stated that working with it can be loud. Chairman Tomenchok asked about granite countertops. Planner McManus stated that a granite countertop is a finished product whereas stone is an unfinished product. He asked if the Construction Office will agree with that interpretation. Planner McManus commented that if the Construction Office or Zoning Officer has trouble deciphering the ordinance they should call her or the Township Attorney and they will be happy to help them with the interpretation of the definition.

Mr. Neufeld asked for clarification on the word chemical in light manufacturing. Planner McManus explained that it refers to the manufacturing of chemicals for the use of a variety of purposes. She stated it refers to the manufacture, assembly, fabrication, packaging or processing of chemicals, not necessarily the use of chemicals. Mr. Bergenfeld said he was approached by someone with the idea of having an Amerigas site in the highway commercial zone and asked what that would be considered. Planner McManus stated that type of business would be either distribution or perhaps retail sales and would be permitted in that zone.

Mr. Neufeld commented that he still has a concern with the potential of having 30 pound hammers pounding unfinished steel 10 hours a day and using huge furnaces. He said it would fall within light manufacturing and stated he would not want to see this type of activity in the Township. Planner McManus explained that the use is not specifically prohibited but would be limited by the fact that the activity must take place indoors and all of the potential noise associated with the use would be regulated by the State and the Township's performance standards regarding noise and vibration.

Chairman Tomenchok asked for a clean copy of the definitions to be available at next month's meeting in order to give Mr. Urbanski a chance to make any final comments before the document is approved.

#### **New Business – Other**

##### **Discussion – Future Street Plan Feasibility**

Planner McManus explained that at last month's meeting the Board requested she take a look at the future street map and determine whether or not the proposed streets may still be needed in the future. Planner McManus expressed that 4 out of the 6 streets have constraints by either residential development or preserved land. She stated that the Board should now determine whether or not they agree with her analysis and if they do, determine what actions should be taken. Planner McManus indicated the streets can be eliminated from the Master Plan by amending the Circulation Plan.

Mr. Shute commented that he doesn't see a need for any of the proposed streets.

A motion by Mr. Shute, seconded by Mr. Dale requesting Planner McManus prepare an amendment to the Circulation Plan eliminating the unnecessary streets was unanimously approved by voice vote.

Chairman Tomenchok added that he has asked Secretary Andrews and Engineer Burr to look into updating the Planning Board checklist in order to simplify it.

Mr. Shute commented that there are massive graphics included in the Farmland Preservation Plan which is part of the Master Plan on the Township's website. He said he has heard from some people that they cannot open the document. Planner McManus suggested that the maps may be a pdf file that wasn't

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shrunk properly and stated she can probably shrink the maps and reinsert them into the document so a smaller version can be uploaded for better access.

**Open to the Public**

Chairman Tomenchok opened the floor to public comment. Seeing no members of the public come forward, a motion by Mr. Fisher, seconded by Mr. Bergenfeld to close to the public was unanimously approved.

It was noted for the record that Attorney Shurts, Engineer Burr and Planner McManus were excused from the meeting at this time, 8:18 PM.

**Activity Report**

Chairman Tomenchok noted that the Planning Board’s activity report will be updated when the work on the permitted uses has been completed.

**Approval of Minutes**

A motion by Mr. Shute, seconded by Mr. Bergenfeld to approve the Board’s 1/20/15 minutes as revised was approved with Mr. Dale and Mr. Fisher abstaining.

**Adjournment**

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

The meeting adjourned at 8:21 PM.

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Maria Andrews, Planning Board Secretary