

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
June 16, 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 June 11, 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 Chairman 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
John Dale
George Fisher
Nella Hamtil
John Haug
Art Neufeld
Hal Shute
Rob Tomenchok – *Chairman*
Chester Urbanski
Bob Balaam – *Alt. #1*
Jim Cally – *Alt. #2*
Attorney Shurts
Engineer Burr
Planner McManus

Excused: No one

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 6/16/15 bill list was approved by roll call vote with Mr. Haug and Mr. Urbanski abstaining.

Resolutions of Approval

Resolution PB#2015-08: Minor Subdivision Approval for Looking Good, LLC – 36 Rocktown-Lambertville Road – Block 8 Lot 38

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to approve Resolution PB#2015-08 as revised was approved by roll call vote with Mr. Dale and Mr. Fisher abstaining.

Resolution PB#2015-09: Preliminary & Final Site Plan Approval for Investment Group, LLC – 1483 Route 179 – Block 3 Lot 21

It was noted for the record that Mr. Haug recused himself from discussion on this matter. Attorney Wohl was present at the meeting on behalf of objecting neighbors Eric and Natalie Hernandez. Attorney Wohl expressed that he had only received a copy of the draft resolution this afternoon and had several comments regarding the document.

There were some comments made by Board Members that since the resolution was not included in the packets, some additional time may be needed to adequately review the document. It was suggested a straw poll vote be taken to determine whether or not to table the resolution or move forward and memorialize it this evening. The results were as follows:

Mr. Neufeld: Move forward

Mr. Bergenfeld: Table

Mr. Fisher: Suggested tabling, but ineligible to vote on the resolution

Mr. Haug: Recused

Mr. Shute: Table

Mr. Tomenchok: Abstained

Ms. Hamtil: Table

Mr. Urbanski: Table

Mr. Cally: Move forward

Mr. Dale: Suggested tabling, but ineligible to vote on the resolution

Mr. Balaam: Table

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to table Resolution PB#2015-09 to the Board's 7/21/15 meeting was approved by voice vote with Mr. Dale and Mr. Fisher abstaining.

Unfinished Business

Discussion – Permitted Uses: Conditional Use Requirements and Definitions

Planner McManus noted that a copy of Schedule 3 along with a list of definitions was included in the Board's packets. She stated that all of this information had been provided previously and she asked if there were any new issues or comments.

There was some discussion on the definitions for solar, wind and wireless communication facilities with Planner McManus clarifying that some of the language in those definitions is required by statute.

There were some minor revisions made to the following definitions:

Contractor's yard or facility

Machine repair and service

Light manufacturing

Schools

Seasonal event

It was noted that Planner McManus will make some minor revisions to the language contained in the definitions and put together some conditions for the conditional use requirements for discussion at next month's meeting.

Discussion – Accessory Structures – Possible Ordinance Amendment

Planner McManus commented that accessory dwellings are conditional uses in all specified zones and must meet the following conditions:

1. The minimum lot size shall be that specified for the zone district which the property is located
2. No property shall have more than one accessory dwelling
3. Accessory dwellings shall contain an entrance that is separate from the entrance of the principal dwelling
4. The accessory dwelling must meet the setbacks specified for principal buildings in the zone district
5. The property shall provide the required on-site parking for the principal use and the accessory dwelling – the parking area for five or more vehicles shall be setback a minimum of 20 ft. from a property line or the minimum setback specified for the zone district, whichever is greater
6. Where the principal use is commercial, non-farm, the accessory dwellings shall be located on upper floors of a principal use or accessory use or in the rear yard
7. The buildings must be in full compliance with all applicable health and construction codes

It was noted that matter will be listed on the Board's 7/21/15 meeting agenda for further discussion if necessary.

Discussion – Industrial Noise Ordinance

Planner McManus commented that she had been asked whether or not noise is regulated by the Township code. She clarified that noise standards are regulated in two places within the Township code:

Chapter 166 – Nuisances and Public Health, section 4, prohibition of certain noises and sounds states, “It shall be unlawful for any person to make, cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him or it, or upon any public street, alley or thoroughfare in this municipality, any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons or which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality or any number thereof.”

Chapter 109 – Land Development, article XXIV, performance standards for industrial uses, section 153 F and G states, “There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted... There shall be no excess noise from any use within the Township. The standards shall be those set forth by the New Jersey Department of Environmental Protection (NJDEP).

Planner McManus clarified that the NJDEP regulations generally limit noise, as measured from a residential property line, from industrial, commercial or community service facilities (most public uses other than parks) to not more than 65 decibels from 7:00 AM to 10:00 PM and 50 decibels from 10:00 PM to 7:00 AM.

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Discussion – Amended Planning Board Checklist – Status Update

Chairman Tomenchok commented that he really would like to see the Planning Board checklist simplified and asked Engineer Burr to review it. Board Secretary Andrews stated she will resend, to Engineer Burr, the amended changes she suggested in her email dated 5/4/15. Mr. Shute and Mr. Cally asked to be copied on the email as well because they indicated they would assist with the project and review the checklist for possible changes too.

Applications

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

New Business

It was noted for the record that there were no comments made on any of the correspondence listed on the agenda.

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 by voice vote.

It was noted for the record that Attorney Shurts, Engineer Burr and Planner McManus were excused from the meeting at this time, 9:10 PM.

Approval of Minutes

A motion by Mr. Urbanski, seconded by Mr. Cally to approve the Board’s 5/19/15 minutes as revised was approved with Mr. Dale, Mr. Fisher and Mr. Haug abstaining.

Adjournment

A motion by Mr. Dale, seconded by Ms. Hamtil to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:12 PM.

Maria Andrews, Planning Board Secretary