

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
July 21, 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 July 16, 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
John Haug
Art Neufeld
Rob Tomenchok – *Chairman*
Chester Urbanski
Jim Cally – *Alt. #2*
Attorney Shurts
Planner McManus

Excused: Nella Hamtil
Hal Shute
Bob Balaam – *Alt. #1*

Approval of Bill List

A motion by Mr. Dale, seconded by Mr. Fisher to approve the vouchers for payment as listed on the Board's 7/21/15 bill list was approved by roll call vote with Mr. Urbanski abstaining. Chairman Tomenchok commented that some of the escrow bills were quite high and asked the professionals to be aware of the time they are spending on applications.

Resolutions of Approval

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

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to approve Resolution PB#2015-09 was approved by roll call 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 commented that schools, both public and private, are now conditional uses.

Mr. Urbanski asked about accessory apartments. Planner McManus explained that there are two types of accessory apartments permitted within the Township pursuant to the new Schedule 3: Accessory apartments for affordable housing, those that have a 10 year deed restriction and will generate affordable housing credits are permitted in all residential districts and nothing has been changed with those. The other types of accessory dwellings are mother-in-law apartments and apartments for employees on commercial sites. Planner McManus remarked that the Zoning Officer may have difficulty enforcing who is actually living in these units so the best way to address this is to make these types of accessory dwelling units conditional uses.

Chairman Tomenchok asked if the property owner will have to come to the Board each time tenancy changes. Planner McManus clarified that if the structure is just an accessory dwelling, no. However, if the new occupant is an employee she believed the Zoning Officer would need to confirm that the new occupant is in fact an employee if it’s a commercial site. The Board questioned why the property owner would need to verify anything if they met all of the conditions under the ordinance. Mr. Bergenfeld commented that he is currently going before the Zoning Board of Adjustment regarding something for his mom and stated that if he’s not mistaken, what they intend to construct must be deed restricted to family or farm labor. Mr. Urbanski remarked that he would not have to go the Zoning Board if these proposed definition changes are made. Planner McManus suggested Mr. Bergenfeld consider putting his application on hold.

Mr. Urbanski asked if the Board wants to open this door. He said anyone anywhere in the Township can put up another building or convert their garage and rent the space. He asked if that’s what the Planning Board wants. Planner McManus stated that is the policy discussion the Board needs to have and she clarified that one of the things to consider is whether or not there are conditions that would make the situation Mr. Urbanski outlined acceptable. She commented that she had received an email from Mr. Shute this morning on this issue which she read a portion of, “...under accessory dwellings you suggest a minimum lot size equal to the zoning requirement. I would suggest that we require at least two times the minimum lot size so that density allowed in the zone is not violated. We talked about requiring a much larger lot size, but I think 8 acres is fine as long as all setback and other requirements are met...”

Chairman Tomenchok summarized that because accessory dwellings are conditional in every zone, the control of this lies squarely in the definitions. Planner McManus added that control is in both the definitions and the conditions outlined on page 19. Chairman Tomenchok stated that the simple fact of the matter is that accessory dwellings exist and the current controls are nebulous. Planner McManus agreed that clarification is needed.

West Amwell Township Planning Board Minutes – 7/21/15

Mr. Dale asked about affordable housing units saying after 10 years the deed restriction is gone and the unit then becomes an accessory unit. Planner McManus clarified that after the 10 year deed restriction is over, the unit becomes a market rate unit that can be rented to anyone. She pointed out the following accessory dwelling conditions as outlined on page 19:

1. The minimum lot size in the zone must be met
2. No more than one accessory dwelling per lot
3. The entrance must be separate from the principal dwelling
4. The dwelling must meet setbacks for the principal building
5. Adequate on-site parking must be provided
6. Where the principal use is commercial, the accessory dwelling units shall be located in the upper floors of the principal or accessory use or in the rear yard
7. The building shall be in full compliance with all health and applicable construction codes

Planner McManus clarified that the existing ordinance allows affordable accessory dwellings in every residential district and the NC district. Accessory districts for domestic employees are permitted uses in all of the large lot residential districts. Accessory dwellings for farm workers are permitted in all large lot residential districts and all commercial districts. She stated what the revised definitions does is make accessory dwellings conditional uses in all zones so it is harder to create accessory dwellings in the SRPD, RR6, RR5 and RR4 districts but easier to create accessory dwellings in the R9 and R1A districts because it's now a conditional use instead of prohibited.

Moving along, it was noted that there were no proposed changes to public utilities or wireless telecommunication facilities. Mr. Dale commented on charging stations and asked if electricity is considered fuel. Planner McManus clarified that she is not aware of any instance where a charging station is being treated the same as a gas station. She said they are fundamentally different. A gas station is enticing the general public to come in and out for approximately 3 minutes at a time whereas a charging station is essentially a parking spot with a plug. Mr. Dale asked about a hydrogen station. Chairman Tomenchok stated hydrogen stations are treated as a motor fuel. It was noted for the record that the definition will include "alternative fuels" as well as motor fuel.

It was the consensus of the Board to get input on all of these proposed amendments from Zoning Officer Chris Rose.

Discussion – Amended Planning Board Checklist – Status Update

Chairman Tomenchok commented that he received last minute notification from Engineer Burr that he did not have anything ready for the Board to review yet. Mr. Cally added that he and Mr. Shute had met with Engineer Burr on 7/21/15 to discuss potential changes to the checklist but nothing is ready yet for the Board's review. It was noted that this matter will be listed on the Board's August agenda for discussion.

It was noted for the record that Planner McManus and Attorney Shurts were excused from the meeting at this time, 8:38 PM.

West Amwell Township Planning Board Minutes – 7/21/15

Open to the Public

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

Approval of Minutes

A motion by Mr. Urbanski, seconded by Mr. Dale to approve the Board's 6/16/15 minutes with no revisions noted was unanimously approved by voice vote.

Adjournment

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

The meeting adjourned at 8:40 PM.

Maria Andrews, Planning Board Secretary