

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
November 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 November 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 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
Hal Shute
Rob Tomenchok – *Chairman*
Chester Urbanski
Bob Balaam – *Alt. #1*
Jim Cally – *Alt. #2*
Attorney Shurts
Engineer Burr
Planner McManus

Excused: Art Neufeld

Approval of Bill List

A motion by Mr. Haug, seconded by Mr. Bergenfeld to approve the vouchers for payment as listed on the Board's 11/17/15 bill list was approved by roll call vote with Mr. Fisher and Mr. Urbanski abstaining.

Resolutions of Approval

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

Applications

Public Hearing – T&T Tree Service: 1429 & 1431 State Hwy. 179 – Block 5 Lots 24 & 24.01 – Preliminary & Final Site Plan Approval

Present for the application was Attorney Henry Chou, Engineer Kevin Brakel, Planner Frank Falcone and T&T Tree Service Owner Richard Mowry.

Attorney Shurts noted the application was for Preliminary and Final Major Site Plan approval to construct 2 pole barns on the site and related improvements. He swore in all parties including the Board’s Professionals, Engineer Burr and Planner McManus. The following exhibits were marked:

Exhibit A-1: The application

Exhibit A-2: The affidavit of service for the public notice

Exhibit A-3: Deed of Restrictive Covenant – Amwell Chase, Inc. to County of Hunterdon

Exhibit A-4: Deed of Easement

Attorney Chou came forward and explained the property is a 211 acre parcel located in the Township’s Highway Commercial (HC) District and Rural Residential Northern District (RR-4). He noted 28 acres of the land is considered an exception area for designated development with the balance of the land being deed restricted from further development.

Mr. Fisher asked if T&T Tree Service (T&T) owns the property. Attorney Chou clarified that his client is currently under contract to purchase the property.

Planner Frank Falcone came forward and provided his credentials to the Board. He was accepted as an expert to provide testimony on the application. Planner Falcone presented **Exhibit A-5:** A colored rendering of the overall site plan. He explained that Lot 24 (20 acres) contains the 28 acre exception area and Lot 24.01 contains the remaining 191 acres. The HC portion of the property fronts State Route 179 and the RR-4 portion is the rear of the property. He clarified that the 28 acre exception area spans both lots and will be used for T&T’s business which will include growing nursery stock, making mulch and composting. The property currently contains 2 single family homes, 1 of which is vacant and various sheds and barns. The proposed project includes the demolition of the larger existing barn. **Exhibit A-6** was presented: A detailed site plan depicting the existing buildings on the property.

Planner Falcone addressed the conditional use standards under the ordinance and indicated the project met all of the conditions and confirmed that all of the equipment will be stored in the pole barns except the trailers and stated there are existing trailers outside now. He noted none of them are, or will be, in the front yard. There was some discussion on this issue with several Board Members expressing that registered vehicles such as trailers should not be considered equipment.

It was noted that the majority of the parcel has been preserved through Farmland Preservation and the land is actively farmed.

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Planner Falcone provided the following project details:

1. One of the existing buildings on site will be replaced with a larger pole barn which will include 1200 sq. ft. of office space.
2. The other pole barn will be for storage and will have doors/openings on either end.
3. The existing residence on site will remain and be occupied by the farm manager.
4. The other existing home on site is outside of the 28 acre exception area. It is not part of this application and will remain unoccupied.
5. The new parking area will be gravel and accommodate 30 cars behind the pole barn. There will be 3 visitor parking spaces and a handicapped parking spot outside the office area. It was noted that the ordinance requires 6 parking spaces for the office area and 23 spaces for the pole barns. Since the applicant is proposing 34 parking spaces they meet the ordinance requirements.

Planner Falcone indicated there will be approximately 9 acres of land designated for the processing of product brought back to the site, specifically for mulch and composting. He stated they will not be encroaching on any areas requiring New Jersey Department of Environmental Protection (NJDEP) approvals. Planner Falcone clarified that a NJDEP permit is required for the composting operation and suggested this be a condition of approval.

Exhibit A-7 was presented, a depiction of the proposed pole barns. It was noted the buildings will be tan structures with metal sides and roofs. The height of the proposed buildings will be 25 ft. Mr. Fisher asked if they can be seen from County Route 179. Planner Falcone indicated that only the rooftops will be visible and noted their proposal includes a row of evergreens across the front of the parcel for added buffering.

Planner Falcone stated that a NJDEP Letter of Interpretation (LOI) was issued in 2007 and was not extended. He remarked that they intend to abide by all of the requirements outlined in the LOI. Attorney Chou stated they are seeking a waiver from the LOI because they are not proposing any development in or near the wetlands areas.

Attorney Shurts read a portion of the deed of easement regarding the driveway into the record.....

Engineer Kevin Brakel came forward and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application. He referred to the driveway configuration and clarified the first 900 ft. will remain intact but the remaining portion will be slightly reconfigured to ensure that it is not near any wetlands. He noted they are seeking a design waiver from the required 24 ft. width to 18 ft. because he does not believe there is any need to expand the existing farm driveway. Engineer Burr commented that 18 ft. is sufficient for a tractor trailer to maneuver but he expressed concern over the possibility of two trucks having to pass through on the driveway. Engineer Brakel suggested 2 pull off areas be established along the driveway.

It was noted that the existing driveway apron is 25 ft. to 30 ft. wide and is sufficient for pulling off of State Route 179. Engineer Brakel agreed to show the site triangle on the plans if necessary.

It was noted the hours of operation for the tree service will be: 5 AM or 6 AM to 8 PM
It was noted the hours of operation for the mulch processing will be: 8 AM to 6 PM

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It was noted that the main lighting will be on from 5 AM to 9 PM with only a few security lights needed overnight.

Planner McManus commented that the proposed project is not subject to the Woodlands Management Ordinance because the land has prior nursery stock and no clearing will be taking place. She also remarked that the requested waiver from the required landscape buffering is reasonable because there is existing screening on the property and the existing vegetation meets the buffer requirements.

Planner McManus requested additional details on the vehicles that will be on site and expressed concern with the trailers being parked outside. Mr. Mowry explained he intends to have 5 trailers parked outside that are registered and have license plates. The other vehicles were said to be 26,000 pound single axle trucks with a chipper totaling 40 ft. in length, bucket trucks, small utility trucks, stump grinders, spray trucks and a crane.

After some continued discussion on vehicles vs. equipment, it was the Planning Board's interpretation that trailers do not perform a function and are a means of moving other equipment therefore they are not considered equipment.

Mr. Urbanski asked about the references in Engineer Burr's review memo regarding noise, glare, vibration and odors. Mr. Mowry explained they are a tree care and landscape company with some employees coming to work around 5:30 AM and some coming in at 6:30 AM. He indicated most workers will return to the site about 5 PM with logs and woodchips that will be dumped on the 9 acre staging area for processing. Mr. Mowry remarked that his intention is to recapture this farm property and continue to farm it and integrate the tree crops and grain crops and breakdown the compost material.

With regard to noise, Mr. Mowry indicated it will be the equivalent to a farmer running a tractor. He stated there will be approximately 20 trucks total with about 10 to 15 coming and going each morning and early evening.

Chairman Tomenchok asked how diseased trees are handled. Mr. Mowry indicated the Department of Agriculture regulates this and he stated he is required to abide by their strict protocols.

Mr. Shute asked why the proposed buildings don't require variance. Planner McManus explained because they are considered principal buildings.

Mr. Cally asked Mr. Mowry if he has reached out to the surrounding property owners regarding his proposed project. Mr. Mowry stated he had spoken to everyone along the front of the subject site.

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

A motion was made by Mr. Urbanski and seconded by Mr. Bergenfeld to approve the conditional use provided revised plans are submitted addressing all of the comments outlined in the Professional's review memos and that all other required outside agency approvals are obtained. The motion was unanimously approved by roll call vote.

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A motion was made by Mr. Dale and seconded by Mr. Fisher granting waivers for the width of the driveway provided 2 pull off areas are established, waivers from the planting of street trees, waivers from driveway lights and a waiver from the 5% parking area landscaping requirement. The motion was unanimously approved by roll call vote.

A motion by Mr. Bergenfeld, seconded by Ms. Hamtil to approve the Preliminary and Final Major Site Plan approval was unanimously approved by roll call vote.

Unfinished Business

Discussion – Council on Affordable Housing (COAH) Requirements

Planner McManus commented that Attorney Cushing had requested an extension but the Judge has not made a ruling yet. She indicated the extension will likely be granted based on the outcome of other municipality’s requests and remarked she will keep the Board apprised.

Discussion – Amended Planning Board Checklist

Engineer Burr stated he will provide the final version for the Board to review.

New Business

Ordinance 10, 2015 – An Ordinance Amending and Supplementing Chapter 109, “Land Development” of the Code of the Township of West Amwell to Amend Permitted Uses of Zoning Districts; to Consolidate and Reorganize Sections Pertaining to Conditional Uses; to Establish Standards for Farms as a Principal Use; and to Add Standards for Accessory Buildings

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld finding Ordinance 10, 2015 consistent with the Master Plan and zoning regulations and recommending adoption by the Township Committee was unanimously approved by voice vote.

It was noted for the record that Planner McManus, Engineer Burr and Attorney Shurts were excused from the meeting at this time, 8:57 PM.

Approval of Minutes

A motion by Mr. Urbanski, seconded by Mr. Fisher to approve the Board’s 10/20/15 minutes with no revisions noted was approved with Ms. Hamtil and Mr. Balaam abstaining.

Adjournment

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

The meeting adjourned at 8:59 PM.

Maria Andrews, Planning Board Secretary