

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
December 15, 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 December 10, 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 – *(arrived at 7:11 PM)*  
Nella Hamtil  
John Haug  
Art Neufeld  
Hal Shute  
Rob Tomenchok – *Chairman*  
Chester Urbanski  
Bob Balaam – *Alt. #1*  
Jim Cally – *Alt. #2 – (arrived at 7:11 PM)*  
Attorney Shurts  
Engineer Burr

**Excused:** No one

**Approval of Bill List**

A motion by Mr. Bergenfeld, seconded by Mr. Dale to approve the vouchers for payment as listed on the Board's 12/15/15 bill list was approved by roll call vote.

**Resolutions of Approval**

**Resolution PB#2015-10: T&T Tree Services, Inc. – Pole Barns(2) and Related Improvements – Preliminary & Final Site Plan Approval, Conditional Use and Waivers – Block 3 Lots 24 and 24.01**  
Attorney Shurts noted some edits and language changes he had received from Engineer Burr, Planner McManus and Attorney Chou.

There was some extended discussion on Attorney Chou’s request to change the language regarding the activity (*mulching and composting*) designated to take place on a 9 acre section of the parcel. It was noted that the applicant also did not want to be limited to the storage of “all” materials within this area. Some Board Members suggested that resolution be carried to the Board’s January meeting in order to obtain better clarification from Attorney Chou. Attorney Shurts commented that he added language indicating that prior to the issuance of a certificate of occupancy or any other final municipal approval for the composting operation, the applicant shall provide the municipality with a copy of the New Jersey Department of Environmental Protection permit approving such activity. Attorney Shurts indicated he believes the language satisfies the applicant and protects the Township. With regard to the storage of materials the suggested language change will be the mulching and composting materials will be stored in the approximate 9 acre area shown in detail on Exhibit A-5.

A motion by Mr. Bergenfeld, seconded by Mr. Dale to approve Resolution PB#2015-10 as revised was approved by roll call vote with Mr. Urbanski opposing and Mr. Neufeld and Mr. Cally abstaining.

**Applications**

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

**Unfinished Business**

**Discussion – COAH Requirements – Status Update**

Chairman Tomenchok noted for the record that this matter will be discussed later in Executive Session.

**Discussion – Amended Planning Board Checklist – Status Update**

Engineer Burr noted that he had not received any comments or suggested changes regarding the amended checklist handed out at the Board’s prior meetings and indicated the checklist could be sent to the Township Committee for their review.

A motion by Mr. Cally, seconded by Mr. Haug recommending the amended checklist be forwarded to the Township Committee for their review and approval was unanimously approved by voice vote.

**New Business**

**Letter Dated 12/1/15 from Attorney Shurts and Related Resolution of Appreciation: PB#2015-11**

Chairman Tomenchok noted that the Board had received a letter from Attorney Shurts indicating his plans to retire and read the following resolution into the record:

*“WHEREAS, William A. Shurts, Esq. affectionately known as Bill answered a request for proposal in 1989, when the Planning Board was in need of a Land Use Attorney, and he was subsequently hired through a Professional Services Contract in January 1990; and*

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*WHEREAS, Bill was reappointed each year since 1990 to the position of Planning Board Attorney serving the West Amwell Township Planning Board faithfully and dutifully through the years including the preparation of all Resolutions, providing legal opinions on land use matters, safely navigating the Board through complicated applications and humorously defusing the occasional public hearing misunderstanding; and*

*WHEREAS, Bill has shared that he coached the T-Ball teams of some fellow West Amwell colleagues, he will always be wise with wisdom and young at heart to those who know him; and*

*WHEREAS, Bill has announced his plans to ease into retirement sometime in the near future so he can enjoy life with his family and friends and pursue recreational activities beyond the realm of “land use matters,”*

*THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Amwell that they publically go on record as congratulating Bill on his anticipated retirement and extend to him all best wishes for continued good health and enjoyment in the coming years!”*

Several Board Members wished Attorney Shurts a wonderful retirement and expressed sadness to see him step down from representing the Board. Attorney Shurts remarked that it has been a privilege serving the Board.

**Open to the Public**

Chairman Tomenchok noted for the record that there were no members of the public present at the meeting at this time.

**New Business – Other**

Mr. Bergenfeld asked if a change of use to a commercial property requires site plan approval by the Planning Board to ensure adequate lighting and parking as well as other details. Mr. Urbanski and Chairman Tomenchok commented that a change of use would require Zoning Board approval. Mr. Shute remarked that if the change is a permitted use he didn't believe it required Zoning Board approval. Mr. Bergenfeld stated that is the issue. He commented just because it is a permitted use doesn't mean the site is adequate.

Attorney Shurts commented most commercial uses require site plan approval or a waiver from such approval. Engineer Burr remarked the duration of time the use has existed is a factor. Mr. Bergenfeld clarified his question pertains to a change in use, not a continuation of a use. He remarked that usually this is at the Zoning Officer's discretion as to whether the change has too much of an impact and should seek Board approval. Attorney Shurts agreed and added that usually permitted uses trigger some sort of standards that must be met and therefore need some type of Board approval. He commented he believes West Amwell generally requires a site plan or a site plan waiver. Engineer Burr agreed.

**Discussion – COAH Requirements – Status Update**

A motion was made by Mr. Urbanski and seconded by Mr. Dale to go into Executive Session for the purpose of discussing professional contracts and pending litigation regarding the Township's affordable housing requirements. The motion was unanimously approved by voice vote.

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It was noted for the record that Engineer Burr and Attorney Shurts were excused from the meeting at 8:15 PM.

A motion by Mr. Urbanski, seconded by Mr. Fisher to return to open session was unanimously approved by voice vote.

The Board was in Executive Session from 7:53 PM – 8:35 PM.

**Activity Report**

Chairman Tomenchok noted that he sent an email to the Township Committee listing the work the Planning Board did with Chapter 109.

Chairman Tomenchok thanked all of the Board Member's for their hard work this past year.

**Approval of Minutes**

A motion by Mr. Bergenfeld, seconded by Mr. Urbanski to approve the Board's 11/17/15 minutes as revised was approved with Mr. Neufeld abstaining.

Mr. Shute commented that something is bothering him. He explained that the Board has essentially said that trailers are not equipment which is reflected in the 11/17/15 minutes regarding the Board's deliberations on the T&T Tree Services, Inc. application. Mr. Cally clarified that because the trailers are registered and licensed by the Division of Motor Vehicles the Board determined they were not equipment. Mr. Shute commented that because there is no differentiation between low flatbed equipment trailers and semi-trailers there could be an issue with the Land Use Ordinance. He expressed concern that any trailer may be considered equipment and can be stored outside. Mr. Bergenfeld commented that he believes the ordinance addresses storage trailers but the consensus of the Board was to review this issue in 2016.

Mr. Urbanski thanked Chairman Tomenchok and Secretary Andrews for their hard work.

**Adjournment**

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

The meeting adjourned at 8:44 PM.

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Maria Andrews, Planning Board Secretary