

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
May 17, 2016**

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: This 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 28, 2016. Notice has been posted on the bulletin board at Town Hall on May 12, 2016 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.

It was noted for the record that the Board's April 19, 2016 meeting was cancelled because the recording system was not working.

Attendance – Roll Call

Present: Bob Balaam
Steve Bergenfeld
John Dale
Nella Hamtil
Art Neufeld
Hal Shute
Rob Tomenchok – *Chairman*
Chester Urbanski
Jim Cally – *Alt. #1*
Carl Ippolito – *Alt. #2*
Engineer Bill Burr
Planner Andrea Malcolm – *(Filling in for regular Board Planner Beth McManus)*
Attorney Chris Norman

Excused: John Haug

Chairman Tomenchok re-ordered the agenda to address the discussion on the sewer service area request. Cathy Urbanski, Chairwoman of the Environmental Commission was in attendance to provide the Board with the history of the Township's Wastewater Management Plan (WMP) and Sewer Service Area (SSA).

West Amwell Township Planning Board Minutes – 5/17/16

Ms. Urbanski explained that the County Planning Department had asked if the Township is in support of the request from a property owner on Route 179 for a proposed sewer service area amendment. She commented that subsequent to the adoption of the 2003 Master Plan, the Township spent several years working with the New Jersey Department of Environmental Protection (NJDEP) to approve the Township's amended and updated WMP so that it would then be in compliance with the goals and objectives of the Township's Master Plan.

Ms. Urbanski read a section of the WMP noting, "There currently are no public or private sewer systems being operated within West Amwell Township. All areas of the Township are served by individual subsurface sewerage disposal systems. It is the expressed desire, intention and goal of West Amwell Township that all development continue to be served by individual subsurface sewage disposal systems with planning flows of less than 2000 gallons per day." She clarified that on June 26, 2006 the WMP was completed and was given final approval by NJDEP on March 14, 2008. The NJDEP stated at that time, "This amendment eliminates Lambertville Sewage Authority's previously proposed SSA within West Amwell Township, Hunterdon County, and designates the entire Township as a Service Area for Wastewater Facilities with planning flows of less than 2000 gallons per day which discharge to groundwater."

Subsequently in 2012 the Township's WMP was incorporated into Hunterdon County's Water Quality Management Plan as per an NJDEP directive and later in 2012 the Township's Master Plan review supported the 2003 plan objectives and noted the following with regard to commercial development: "The establishment of mixed use developments within the Highway Commercial (HC) and Light Highway Commercial (LHC) districts shall be limited by the particular suitability of each site to handle on-site wastewater disposal and compliance with nitrate dilution criteria. New commercial development in the township should be on private well and septic systems and should be consistent with its rural community character."

Attorney Norman clarified that the Board simply needs to make a determination as to whether or not they support the request for a sewer service area amendment. Mr. Shute commented that he didn't want to see the Planning Board make a blanket decision.

Mr. Urbanski commented that he is completely against establishing a sewer service area.

Mr. Ippolito noted the 13 years of history without a sewer service area and stated he believes it would be irresponsible to make any changes.

Chairman Tomenchok noted the SSA was eliminated through bipartisan approval and everyone working together with a common objective.

Planner Malcolm commented that any change in the WMP could impact the Township's Council on Affordable Housing (COAH) requirements.

Mr. Dale remarked that if there is any failure within a SSA then the Township is responsible to support the sewer system.

West Amwell Township Planning Board Minutes – 5/17/16

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

Chairman Tomenchok read the following resolution into the record:

West Amwell Township Statement of Opposition to the Proposed Amendment to the Upper Delaware Water Quality Management Plan

Whereas, Investment Group, LLC has proposed an amendment to the Upper Delaware Water Quality Management Plan (WCMP) which would amend West Amwell Township's Wastewater Management Plan (WMP); and

Whereas, this proposed amendment would require a designated sewer service area in West Amwell Township to accommodate an individual groundwater discharge wastewater system utilizing a proposed sequencing batch reactor system; and

Whereas, West Amwell Township's current WMP states that it is the expressed desire, intention and goal of West Amwell Township that all development continue to be served by individual subsurface sewage disposal systems with planning flows of less than 2000 gallons per day; and

Whereas, the Township's 2012 Master Plan Objectives state that new commercial development in the Township should be on private well and septic systems; and

Whereas, the Township's 2012 Master Plan recommendations state that the Township should continue its longstanding policy of preventing the introduction of sewerage infrastructure to facilitate residential, commercial or any other development. This policy should also continue to exclude the use of onsite community wastewater treatment facilities, package plants or any other wastewater treatment technology that is not based on onsite individual septic disposal systems;

Now Therefore be it Resolved, West Amwell Township directly opposes any change to the Upper Delaware Water Quality Management Plan and the Township's Wastewater Management Plan as per the dictates of the Township's current and past Master Plans.

Now Therefore Let it be Further Resolved, that West Amwell Township opposes the proposed amendment to the Upper Delaware Water Quality Management Plan and West Amwell's WMP as proposed by Investment Group, LLC, as per Block 3 Lot 20.60 West Amwell Township, Hunterdon County, Program Interest #435437, Activity #AMD150003.

A motion by Mr. Urbanski, seconded by Mr. Dale to recommend the Township Committee adopt this resolution opposing the proposed amendment to the WMP at their meeting on May 18, 2016 was unanimously approved by roll call vote.

Approval of Bill List

A motion by Mr. Shute, seconded by Mr. Bergenfeld to approve the vouchers for payment as listed on the Board's 5/17/16 bill list was unanimously approved by roll call vote.

Chairman Tomenchok re-ordered the agenda again and opened the floor to public comment to address the members of the public present this evening.

West Amwell Township Planning Board Minutes – 5/17/16

John Novak and his father Jack Novak came forward. John Novak (John) explained that they are the prospective purchasers of 444 Route 31 North in West Amwell and wanted to seek guidance from the Planning Board on the best way to proceed with their project. He indicated that his automotive repair business Precision Service Center has a temporary certificate of occupancy to be up and running in the garage on site. It was noted that the property has an existing home as well and John stated that he and his dad wish to purchase the property and make renovations to the house so they can reside and run the business all on the same parcel. He intends to create an apartment or suite area for his parents by adding on to the house and would like to enlarge the garage facility to comply with the Americans with Disabilities Act (ADA) bathroom requirement as well as add a storage area and small office.

Attorney Norman and Engineer Burr advised that the proposed changes would require minor site plan approval from the Planning Board noting that any commercial change of use requires site plan approval under the ordinance and they clarified that the proposed renovations can be incorporated into the application as well.

The Novak's thanked the Board for their time and for explaining the process.

Executive Session

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to approve Resolution PB #2016-08 to enter into executive session for the purpose of discussing personnel and litigation was unanimously approved by voice vote.

The Board was in executive session from 8:04 PM – 8:35 PM.

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

New Business – Other

Mr. Shute questioned why the Board's April 19, 2016 meeting had to be cancelled stating a tape recording of every meeting is not required. Attorney Norman clarified that technically the approved minutes serve as the Board's official record but clarified that he doesn't recommend the Board hold any meetings without recording them because it can cause problems among the public. Chairman Tomenchok commented that he prefers to err on the side of caution because he believes there are people who may take issue if the meetings are not recorded.

Mr. Bergenfeld asked if a specific agenda item can be added to address the pre-screening of potential applications. It was the consensus of the Board to allow people to address the Board for guidance on applications during the open to the public portion of the agenda if they wish to.

Approval of Minutes

A motion by Mr. Urbanski, seconded by Ms. Hamtil to approve the Board's minutes from January 19, 2016 as revised was approved with Mr. Dale and Mr. Shute abstaining.

Adjournment

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

West Amwell Township Planning Board Minutes – 5/17/16

The meeting adjourned at 8:52 PM.

Maria Andrews, Planning Board Secretary