

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
July 19, 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 July 14, 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.

Attendance – Roll Call

Present: Bob Balaam
Steve Bergenfeld
John Dale
Art Neufeld
Rob Tomenchok – *Chairman*
Chester Urbanski
Jim Cally – *Alt. #1*
Carl Ippolito – *Alt. #2*
Engineer Bill Burr
Planner Beth McManus
Attorney Chris Norman

Excused: Nella Hamtil
John Haug
Hal Shute

Approval of Bill List

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to approve the vouchers for payment as listed on the Board's 7/19/16 bill list was unanimously approved by roll call vote.

Resolutions of Approval

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

Applications

Completeness and Public Hearing – Investment Group, LLC – Block 3 Lot 21 – 1483 Route 179 – Preliminary & Final Major Site Plan Approval with Variances

Present for the application was Attorney Rich Mongelli, Property Owner Mark Wright, Engineer Eric Rupnarain, Architect Michael Burns and Music Theatre Owner Ginny Brennan.

Engineer Burr referred to his completeness review memo. He noted that the requested waivers were reasonable and recommended that the Board could find the application complete but suggested an update be provided on the status of the Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP).

Engineer Rupnarain explained that the LOI expired on 6/30/16 and that they filed a request for a 5 year extension prior to the LOI expiring. He noted the wetlands are primarily confined to the corner of Lot 2060 and that the subject site (Lot 21) is really only the buffer area. Engineer Rupnarain stated the proposed application does not impact any environmentally constrained areas. Chairman Tomenchok asked what will happen if the request is denied. Engineer Rupnarain indicated that he doesn't believe there will be any issue receiving the extension because Lot 21 already has improvements on the site and no wetlands have ever been identified there. He clarified that the property owner is entitled to maintain and keep what already exists on the property and since the proposed application is for interior renovations he doesn't think there will be any issue with NJDEP. Attorney Norman suggested that an updated LOI can be a condition of approval if the Board wishes. Engineer Burr commented that the applicant is aware that they are proceeding at their own risk but remarked that he agrees there likely will not be any issues since the previous LOI showed no wetlands on the site.

A motion by Mr. Urbanski, seconded by Mr. Bergenfeld to deem the application complete with the requested waivers was unanimously approved with the provision that the LOI will be provided and no activities will take place in the buffer area.

Architect Burns came forward and gave a slideshow presentation that provided an overview of the site depicting the existing and proposed improvements. It was noted that the applicant is seeking Preliminary and Final Major Site Plan approval with variances. The project purposes to convert the existing 11,474 sq. ft. warehouse on site to a 256 seat performing arts/music theatre and to construct a new 3200 sq. ft. warehouse in the northeast corner of the property to be used for storage by the Strober-Wright Roofing business. It was noted that this structure will not increase any impervious surface area because it will be constructed on the existing asphalt/gravel area.

Architect Burns addressed the parking on site indicating that the ordinance requires 95 parking spaces and they are proposing 97 spots. It was noted that there will be 25 ft. wide aisles in the parking area and no parking spaces are proposed in front of the new building because that area is for loading and unloading. He stated that they will include Honey Locust trees and Japanese Spurge in the parking aisles per Engineer Burr's comments in his review memo. It was noted that staff parking is not included in the 97 spaces because staff will utilize ancillary spots around the site. Architect Burns noted that all of the landscaping and fencing associated with their prior approval has been installed.

West Amwell Township Planning Board Minutes – 7/19/16

The existing building will have new freestanding signage at the entrance to the music theatre, above the front door and along the face of the building. Entry way lighting will also be added. Architect Burns indicated there will be 1 overhead style door in order for the sets to be easily moved in and out of the theatre. There was some discussion on the proposed signage with Planner McManus clarifying that the applicant requires 2 variances: (1) for the size of the proposed signage – 47.64 total sq. ft. is being proposed where 24 sq. ft. is allowed and (2) for the amount of signs – the theatre sign plus the two art medallions (*the tragedy and comedy masks*). It was noted that no signage is being proposed for the new 3200 sq. ft. building.

Engineer Rupnarain came forward and elaborated on some of the proposed site improvements noting new sidewalks and curbing will be installed along the north side of the existing building with new crosswalks for pedestrian safety. He clarified that the previously approved application allowed 38% impervious coverage and this newly revised application now proposes 37% because they will be removing a small amount of existing impervious surface in the area where the new 3200 sq. ft. building will be constructed and noted that the previously approved dumpster enclosure will now be attached to the side of the building. The applicant represented that all outside storage will be put inside this new building. He also noted that the previously existing trailers on the site have been removed.

There was some discussion on the driveway with Engineer Rupnarain indicating that the driveway is wide enough to accommodate all traffic to the site. It was noted that the applicant is seeking a new permit from New Jersey Department of Transportation (NJDOT).

With regard to the stormwater requirements, Engineer Rupnarain stated the proposed application does not trigger any stormwater regulations. He explained a water filtration system was installed per the prior approval and nothing more is needed with this new proposal.

Attorney Mongelli addressed the professional's review memos and clarified the following details: The general operation of the theatre is classes Monday – Friday from 4:00 PM – 8:00 PM and classes on Saturday and Sunday from 10:00 AM – 3:00 PM. With regard to performances throughout the year, it was noted they typically run for a 3 week period encompassing rehearsals 10 days prior to each event with shows on Thursday and Friday 6:00 PM and 10:00 PM, Saturday at 10:30 AM, 3:00 PM, 6:00 PM and 10:00 PM and Sunday shows are 1:00 PM and 5:00 PM. It was noted that there is a children's theatre at 11:00 AM and 1:00 PM on Fridays during July and August. The applicant represented that the theatre is for musical performances only and will not be used as a venue for live bands. It was noted, however, that the music theatre utilizes its own 6 piece band during some performances.

It was explained that the roofing business on site starts early and workers typically don't return to the property until 5:00 PM or later so the theatre's operating hours will not conflict. It was also noted that the roofing business primarily uses box trucks or pickup trucks and that the theatre will only be moving sets to the site when needed and will utilize the large overhead door so there will be no issues with large trucks or frequent deliveries coming to the site. There will be approximately 8 – 12 roofing vehicles parked on the property each night.

It was noted that the theatre will usually have a total of 6 employees on site: 4 full time staff members and 1 or 2 part time staff members.

West Amwell Township Planning Board Minutes – 7/19/16

Planner McManus expressed some concern with potential noise on the site. She suggested a noise study be conducted. Mr. Wright was agreeable to the study. It was noted for the record that the music theatre building is located in the middle of the 4 acre property and the walls are insulated. Planner McManus also suggested that any air conditioning compressors be moved to the west side of the building.

Mr. Bergenfeld asked about the septic system and the number of bathrooms. Architect Burns clarified that there are no bathrooms being proposed in the new 3200 sq. ft. storage building and the existing theatre building will have 6 bathrooms – (3 on each side of the structure). Engineer Rupnarain stated that the size of the septic system which is located to the north of the proposed new building will be increased to accommodate the bathroom facilities. He indicated that the Board of Health has already approved 2000 gallons of effluent per day which accounts for the roofing and theatre uses. He added that they will seek all outside agency approvals as well.

There was some discussion on the height of the previously approved theatre building. It was noted that the prior approval allowed the warehouse to be 22.8 ft. tall and the current site plans indicate the building is 26.2 ft. tall. Mr. Urbanski asked how the height could be different and not caught. Engineer Burr and Attorney Norman both commented that if the final inspection hasn't been done by the construction official yet then the height difference may not have been noticed. Additionally, it was noted that the ordinance allows the building to be 34 ft. tall so the slight discrepancy is not really an issue.

There was some discussion on trash removal. It was the consensus of the Board that trash will be picked up weekly, instead of bi-weekly.

Mr. Cally asked if the roofing business operates on Saturdays. Mr. Wright indicated that it does. Planner McManus remarked that the prior resolution of approval indicates the business operates Monday – Friday only. She also commented that there may be a conflict with the theatre due to their Saturday performance schedule which would have to be worked out with the property owner. Attorney Norman suggested there can be language in the resolution indicating that if any traffic issues arise, the applicant will need to return to the Board. Architect Burns noted that the number of parking spaces they are proposing accommodates both uses under the ordinance requirements.

Mr. Urbanski commented that he is concerned with the traffic circulation on the site, not the uses. Attorney Mongelli noted that there are usually only 8 trucks that return to the site each night so he didn't believe this would cause any traffic issues. Planner McManus suggested a stop sign within the parking lot may be beneficial. Engineer Burr indicated he could review the signage and also asked if there could be a designated parking area for the roofing business. Architect Burns said yes.

Engineer Burr asked Engineer Rupnarain if he had reviewed the turning radius for large trucks entering the parking lot. Engineer Rupnarain commented that large box trucks will be able to navigate through the site at any time, with large delivery trucks coming when the theatre isn't open. It was noted for the record that the Zoning Officer will make a determination as to whether or not there are any traffic, parking or circulation issues on the site.

Engineer Burr commented that the grass behind the fencing which was the subject of the prior approval needs to be maintained and mowed regularly. He stated this seems to be an issue. Attorney Norman stated this detail can be included as a condition of approval in the resolution.

West Amwell Township Planning Board Minutes – 7/19/16

Planner McManus referred to her review memo and noted that the applicant received a design waiver for light intensity per their prior approval. Mr. Wright indicated no new lights are proposed. He stated the existing lighting will be on timers set to go off after the theatre performances with only a few security lights on the building remaining on.

Planner McManus suggested a bike rack be installed on the site. The applicant agreed to accommodate this request.

Architect Burns remarked that the application advances the purposes of the Municipal Land Use Law (MLUL) and does not negatively impact the Master Plan or zoning ordinances. He added that the uses are permitted and promote the health and welfare of the community and are not a detriment to the public good.

Chairman Tomenchok opened the floor to public comment.

Andy Zalescik of 24 Music Mountain Boulevard came forward and expressed support for the application saying it's a great location for the theatre and a good fit for the community.

Sonya Zuccarelli of 10 Ferris Wheel Drive came forward and expressed concerns with all of the activity at this site and commented how it is hindering her ability to sell the property. She remarked that her home has been devalued and asked the Board to guarantee that they will address all noise issues. Chairman Tomenchok stated that the Board cannot guarantee anything but remarked that everyone should try to work together.

Leila Rice of 11 Williamson Lane came forward and expressed support for the application commenting that the proposed theatre use will benefit many children in the community.

Jennifer Frankenbach of 24 Terrell Road came forward and expressed support for the application commenting that she is cognizant of other land owner's concerns but stated everyone was aware of what they were purchasing when they chose to buy near commercial property.

Doug Carter of 28 Rose Run came forward and simply commented that the art medallions are not signs, but rather decorations.

Ginny Brennan the owner of the music theatre, known as "DPAC" (Downtown Performing Arts Center) came forward and explained how important the proposed application is. She commented that she has been trying to get her own space for years and stated the theatre is an asset to the community with over 250 people who audition and perform each year. She remarked that they are agreeable to make this proposal work and will address all of the public concerns. Ms. Brennan clarified that the hope is to get everything in one space. She said they currently store things in 4 different places.

Eric Zuccarelli of 10 Ferris Wheel Drive came forward and expressed concern that any commercial building can be re-purposed. Attorney Norman explained that changes in use often happen and if the use is permitted then site plan approval is typically sought. He remarked that "re-use" of a building is not unusual.

West Amwell Township Planning Board Minutes – 7/19/16

Christopher Uchrin of 9 Myrtle Avenue in Lebanon, NJ came forward and expressed support for the application. He commented that many families all over Hunterdon County participate in the theatre group, both young and old, and remarked that this proposal is great for the entire county.

Chairman Tomenchok commented for the record that he saw references on social media that this application was a “done deal.” He asked everyone to inform their friends that there is a process and this is how it works.

Seeing no other members of the public come forward, a motion by Mr. Urbanski, seconded by Mr. Ippolito to close the floor to public comment was unanimously approved.

Attorney Norman noted the following potential conditions of approval:

1. An updated LOI must be submitted
2. No outside storage on the site
3. No more than 12 roofing business vehicles are to be parked on the site overnight
4. No tractor trailer storage on the site
5. A noise study is to be reviewed by Engineer Burr to ensure State standards with noise compliance
6. All air conditioning compressors must be relocated to the west side of the building
7. An application must be sent to the County Board of Health for updated septic design approval
8. The applicant must comply with all prior conditions of approval
9. Dumpster pickup will be weekly
10. There will be designated parking for the roofing business
11. Details on a stop sign within the parking lot will be worked out with Engineer Burr
12. The grass behind the existing fence will be maintained and mowed regularly
13. A bike rack will be added on the site
14. The application is subject to the recommendations in the professional’s reports

A motion by Mr. Bergenfeld, seconded by Mr. Urbanski to grant preliminary and final major site plan approval with variances for signage, subject to the conditions outlined above was unanimously approved by roll call vote.

Unfinished Business

Discussion – COAH Requirements – Status Update

Attorney Norman provided a brief update explaining there was a decision made by the Appellate Court indicating there is no “look back” period from 1995-2015 so all municipalities must design housing plans to address the Council on Affordable Housing (COAH) needs going forward.

New Business – Other

It was noted for the record that no comments were made on any new business items by any of the board members.

Open to the Public

It was noted for the record that no members of the public came forward. A motion by Mr. Dale, seconded by Mr. Bergenfeld to close the floor to public comment was unanimously approved by voice vote.

West Amwell Township Planning Board Minutes – 7/19/16

Approval of Minutes

A motion by Mr. Dale, seconded by Mr. Ippolito to approve the Board's 5/17/16 open session minutes as revised was unanimously approved by voice vote.

A motion by Mr. Urbanski, seconded by Mr. Balaam to approve the Board's 5/17/16 executive session minutes with no revisions noted was unanimously approved by voice vote.

Adjournment

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

The meeting adjourned at 10:18 PM.

Maria Andrews, Planning Board Secretary