

**WEST AMWELL TOWNSHIP
PLANNING BOARD – REGULAR MEETING
October 17, 2023 Minutes – 7:00 PM**

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 noticed as a regularly scheduled meeting transmitted to the Hunterdon County Democrat and the Times of Trenton on January 26, 2023. 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.

Attendance – Roll Call

Present: Jim Cally
John Dale
Nella Hamtil
John Haug
Carl Ippolito
Christopher Morgan
Joe Petrucci
Rob Tomenchok
John Flemming – Alt. #1
Attorney Tara St. Angelo
Engineer William Burr
Planner Joanna Slagle

Excused: Bob Balaam
Connor Montferrat – Alt. #2

New Business – Other

Public Hearing: 1874 Barn, LLC – Block 26 Lot 29: Preliminary & Final Major Site Plan with Variances to Construct a 2-story Addition Including a Kitchen, Café, Restroom and Retail Space to the Existing Structure Located at 1874 River Road

Present for the application was Attorney Richard Wells and Engineer Ted Bayer along with property owners Michael Ehrenreich and Rebecca Gelman.

Attorney St. Angelo referred to the comments and concerns brought up regarding the Woodland Protection Ordinance at the Planning Board's last meeting and noted woodlands are defined as a contiguous area of trees and other woody plants having an average canopy height greater than 20 feet and covering a land area of at least 10,000 square feet (0.23 acres) and generally characterized by a tree density of 100 or more trees per acre with at least 50% of such trees having a caliper of 2 inches or greater. Additionally, the ordinance is only applicable to properties in the RR4, RR5, RR6 and SRPD zones.

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She explained that in order for the woodlands protection ordinance to apply to an application before the Board, the following criteria must be met:

1. Major site plan or subdivision application
2. The subject property must be located in the RR4, RR5, RR6 or SRPD zones
3. The woodland area must be at least 10,000 sq. ft. (0.23 acres)
4. The tree density is at least 100 trees per acre
5. At least 50% of such trees must have a caliper of at least 2"

Attorney St. Angelo noted the 1874 Barn, LLC application is in the HC Zone and therefore the woodlands protection ordinance is not applicable. With regard to completeness, she commented the Board can take jurisdiction over the application.

Attorney Wells noted that since the 9/19/23 meeting, 3 items were requested:

1. Checklist Item (i) stormwater
2. (K) – wetlands analysis
3. (17C) Adequate electric service
4. A supplemental submission – 10/5/23
5. Traffic and parking analysis

Attorney Wells noted they have 2 professionals who will be testifying this evening:

Edward Kuc – Ecologist / Wetlands analysis

Ted Bayer – Engineer / Utilities analysis

Attorney St. Angelo swore in Ecologist Kuc. He provided his credentials to the Board and was accepted as an expert. He explained that he conducted a site inspection on 9/20/23 and is confident that no areas of the property contain any wetlands meeting the criteria needed to request a jurisdictional determination from NJDEP. Attorney Wells noted that he will still apply for a letter of interpretation (LOI) if the Board requests one as a condition of approval.

There was some discussion on the neighboring property, in common ownership, which was the subject of a recent Zoning Board application. Ecologist Kuc noted there was a very small area of wetlands above where the pool is located on that site. He commented there is a 50 ft. buffer area and they recently submitted for an extension from NJDEP because the project on that site was modified slightly. It was noted that they have not yet heard back from NJDEP.

Ecologist Kuc clarified that the 1874 Barn, LLC project does not require any permits or approvals from NJDEP.

Mr. Cally expressed his concern over the environmentally sensitive area with the Delaware River and canal in such close proximity to the subject site and stated he does not feel comfortable moving forward with the application until an LOI is received. Chairman Tomenchok stated he agreed and commented on the recent influx of OPRA requests in the Clerk's Office over these types of issues. He indicated he would like to "pump the brakes" on moving forward without an LOI.

Mr. Morgan asked about the wording of the checklist as it relates to the LOI. Both Engineer Burr and Attorney St. Angelo clarified that a waiver from the LOI is not applicable for major site plan applications.

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Attorney Wells asked if they could seek a waiver just for completeness purposes. Attorney St. Angelo noted that the way the caveat is written into the checklist, she believes the intent was to NOT grant waivers from LOI's for major site plan applications.

Attorney Wells stated for the record that he believes they have met the standard for the Board to grant a waiver from the LOI and asked for a brief adjournment to speak with his client.

It was noted for the record that the Board took a break from 7:51 PM to 7:57 PM.

Attorney Wells requested the Board respond to the other 2 outstanding items: Stormwater and Electrical.

Engineer Ted Bayer came forward and was sworn in. He provided his credentials to the Board and was accepted as an expert. He referred to checklist item 17C and explained they sent a letter on 10/2/23 to Duke Energy requesting 400 amps. He noted Mr. Ehrenreich currently has 320 amp service on the property and they believe they will need a slight upgrade to 400 amps.

Engineer Bayer highlighted the additional following details:

1. The well was installed in 2022 by Stover's and yields 7 gallons per minute.
2. The septic (TWA) was installed in 2022 and was designed to accommodate 2000 gpd.
3. There is an above ground propane tank on the site.
4. The proposed 30,000 gallon water tank will need a variance because it will be located underground, but in the front yard. Mr. Cally commented that he is not inclined to approve joint use of the water tank with the next door property because the 2 lots may not always be in common ownership.

Mr. Dale asked how deep the well is. Engineer Bayer indicated it is 400 feet deep with 50 feet of casing.

Mr. Morgan asked for details on the proposed restaurant. Engineer Bayer indicated the site will contain 4000 sq. ft. of retail space, a 40 seat restaurant and have 6 employees to cover the businesses.

It was noted for the record that the Board believed the utility issue had been sufficiently addressed.

With regard to the stormwater management on the site, Engineer Bayer referred to sheet 6 of 11 in the submitted site plans. He explained that the proposed addition will contain roof leader drains and downspouts with all runoff directed toward, and collected in, an inlet located in the southwest corner of the parking lot. He clarified that the proposed project is considered a "minor" project under the stormwater code requirements, and he indicated they satisfy all of the criteria for a minor project.

Engineer Bayer discussed runoff sheet flow patterns with Mr. Cally expressing concern over the flooding issues on Route 29. Attorney St. Angelo stopped the discussion noting the conversation was becoming too detailed for a simple completeness determination.

Engineer Bayer addressed the impervious coverage by quickly noting that there will be a decrease of 720 sq. ft. on the east side of the proposed addition because existing asphalt in that area will be removed.

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Engineer Burr commented that he believes the applicant has provided enough information for the Board to make a completeness determination. It was noted that the Board agreed the applicant had satisfied the checklist requirements for the stormwater and utilities items but clarified they still want to see an LOI prior to proceeding with any public hearing.

Attorney Wells requested an adjournment and stated the applicant will re-notice for the public hearing and grants the Board all necessary extensions. Attorney St. Angelo noted the Board will re-visit the application for a status update on the LOI in 4 months.

Open to the Public

Linda Meier of 228 Rock Road West came forward and said she disagrees with Attorney St. Angelo's legal opinion on the Woodlands Protection Ordinance. She commented on a previous application where the property is situated in both the NC and SRPD zones. Attorney St. Angelo stopped Ms. Meier from continuing with her commentary because the approval on the application she is referred to is part of a pending lawsuit.

Minutes

It was noted for the record that the 9/19/23 minutes have not yet been drafted and will be listed on the Board's next meeting agenda for approval.

Adjournment

A motion by Chris Morgan, seconded by Jim Cally to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:41 PM.

Maria Andrews, Planning Board Secretary