

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**October 26, 2011**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The regular meeting of the West Amwell Township Committee was called to order at     p.m. Present were Mayor Molnar, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Committeeman George Fisher was excused.

Also in attendance were Harry Heller, Sean Pfeiffer, Judy O'Brien, Mr. & Mrs. Pete Salvin, Jason Fuhr, Hal Shute, John Stevenson of HART, Kelly Albanir, and East Amwell Mayor Larry Tatsch.

Mayor Molnar announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 1, 2011, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system.

**PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Kelly Albanir led the assembled group in the pledge of the nation's flag.

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 8.C Recycling Proposal; 12.B Tax Sale Report. Deleted were 12.E Police Report

**ANNOUNCEMENTS**

The following announcements were made:

- Registration for Hurricane Irene Losses Ends October 31<sup>st</sup> (*extended to Nov 30<sup>th</sup>*)
- First Energy Tree Pruning Commences October 20<sup>th</sup>
- General Election is Tuesday, November 8<sup>th</sup> from 6 a.m. to 8 p.m. @ the Municipal Building. Reminder: The Township is Now in Legislative District 15
- Hazardous Waste Clean-up Day, November 12<sup>th</sup> from 9 a.m. to 1 p.m. @ County Complex on Route 12
- PSE&G Power Line Work, Various Lines, Ongoing Until 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

Added to the announcements on the Agenda was that the County Clerk's Office will be open on Nov. 3<sup>rd</sup> until 7 p.m. and Nov 5<sup>th</sup> from 9 am to 1 pm for Absentee Ballot Voting

**PRESENTATION OF MINUTES**

The following Open and Closed Sessions were approved on motion from Molnar, seconded by Rich. Motion carried unanimously.

September 28, 2011 Regular

September 28, 2011 Closed Session (Potential Litigation)

**OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

Peter Salvin responded to a statement made in the Township's recent letter. He expressed concern that the letter says that the roadway is repaired; however, the DPW indicated not to use the bridge, and the engineer stated that more work is needed to the road.

Mr. Rich explained that after the recent FEMA meeting, he went out and met with Mr. Salvin. He also called in Rob Martucci of Van Cleef to join them. Sixteen feet from the center of the road bed is not on the Salvin bridge; therefore, that structure is Mr. Salvin's responsibility. The Township's obligation is in front of the bridge. The problem lies in that the report received from the Township Engineer was not geared to the FEMA report. The former has to address only the area damaged by the storm and what is necessary to restore the road to pre-Irene conditions. Mitigation work for prevention on the other sections of the road would be second FEMA category.

Mr. Salvin noted that both sides of the bridge need remediation or the damage will re-occur and whatever the Township does will impact his bridge design. Unless the wing walls are included in the proposal, remediation will be useless. He has a repair/replace okay from the State for bridge work; however, there's another approach that would involved putting down concrete. A revised report is due from the Township Engineer by the end of the week and once that is obtained, Mr. Rich will make contact with Mr. Salvin. Mr. Rich requested that he be permitted to take the lead on this project and was given the nod by Mayor Molnar.

Jason Fuhr inquired about Mr. Rich's progress in identifying Township veterans and offered to be of assistance. Mr. Rich relayed that contact was made with the Legion and Mr. Fuhr in an attempt to put something together, expressing concern about not wanting to forget anybody. It was suggested that he contact Ed Hawley and Ruth Hall, both of whom have had lists at one time. Mr. Molnar offered that whatever is produced can always be added to.

Mr. Rich relayed that Zoning Officer Baldino had mentioned the possibility of having a combined Planning-Zoning Board and was curious about what this would entail. Sean Pfeiffer commented that this idea came from a conference that the Zoning Official had recently attended. A joint land use board can be maintained by a municipality with a population less than 5,000. This would mean meeting more than once a month considering the current workload and that there was not much interest at the Planning Board for this concept. In addition, in order to have a joint board, the Land Use ordinance would have to be amended. Mr. Molnar indicated his support of the status quo on this topic with Attorney Faherty noting that changing the zoning ordinance would be harder than establishing the much talked about five-person township committee.

Mr. Rich noted that the Finance committee is interested in putting together a debt reduction plan that would span the next 5-10 years, the purpose which is to get their point of view. The group will meet next week and should have something in writing to report at the December meeting. Mr. Pfeiffer offered that if the Township Committee wants to continue dedicating the same amount of revenue from the Open Space trust toward debt service, the recommendation would be to pre-pay the debt because it doesn't make sense for the Township to be paying a higher interest rate than what is being received on the money in the bank. He believes that the debt is callable in 2013.

#### **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION**

**FFA Report:** Kelly Albanir, president of South's FFA group gave a report of their recent activities, including the Fall Fest. Their new leader is Scott Krege. He's doing a good job and the group is happy to have him. Upcoming activities include a Thanksgiving good drive, grave blankets and wreaths from December and a fresh fruit sale. An order form was provided for the latter. The FFA is also interested in doing a road cleanup. The mayor instructed Ms. Albanir to provide a proposal with specific roads so that information can be given to both the Roads and Police departments. Ms. Albanir closed by noting that a cookbook is in the works. More on this item will be relayed at the November meeting.

**Municipal Alliance:** Mr. Fuhr noted that all five alliances have poor participation, although the South Hunterdon alliance is better financially than the others. They have been requested to assist the North Hunterdon alliance with their Christmas holiday float and Voorhees will also be in. As for membership, discussions are underway, and a letter will be coming out, inviting the Township Committee to meetings, although he expressed the opinion that they have enough meetings. Letters will also be sent to service organizations and churches to try to get representatives from each of other groups as well. Mr. Fuhr stated that this particular Alliance does a pretty good job at raising money and that the next meeting will be held November 28<sup>th</sup> at noon at South Hunterdon.

**John Stevenson (HART):** Mayor Larry Tatsch of East Amwell, as well as Mr. Stevenson, were present to speak about the Black River & Western Railroad ROW project. Mr. Tatsch expressed appreciation to the Township Committee for giving of their time for this and proceeded to relay some personal background. He has walked many similar restored tracks around the country that have been rescued for public use and that there was interest in this particular one several years ago but it had died. The East Amwell Township Committee is now enthusiastic about the project and Dick Ginman has been enlisted to interact with HART and Green Acres. Mr. Tatsch offered that the latter has been interested in this particular project in the past but has not pursued it. However, before talks with the property owner can go forward, a consensus of the surrounding townships is needed. The two key areas are Lambertville City and East Amwell as they are the terminal points but Delaware and West Amwell will also be affected. Delaware has expressed interest and Lambertville wants further discussion and information. No funds are being requested—only support for the concept. Once there is consensus, the next step would be to meet with Mr. Burenga, the owner of the Black River & Western to explore options. A handout was provided of the rails-to-trails conservancy website. This group has been contacted; are enthusiastic supporters of local initiatives; will help put together proposals; and, offer suggestions for working with the owner. As for questions such as who pays for this, how it can be done and what other options are available if the owner is not

particularly interested in selling is situation dependent. Mr. Tatsch then turned the presentation over to Mr. Stevenson for a power point presentation in order to provide a better sense of the nature of the rail ROW and a sense of the beauty of the area over which the tracks travel.

Mr. Stevenson offered that he is a full time employee of the Hunterdon Area Rural Transit (HART), which is a non-profit organization, and is their pedestrian coordinator. He also works on the Safe Routes to School program. He has walked  $\frac{3}{4}$  of the ROW and has researched the concept. There are a number of bridges along the route that are in disrepair and cannot currently carry the load of a train. These could be extended to permit a 'rails & trails' approach but noted that a third of the railroad ties are rotted and would have to be replaced. Although there are several bridges along the route, there are not many driveways or road crossings to deal with, although there are some seasonal streams. The rail line has not been used in 16 years and the owner was recently quoted in a news article that there was not enough passenger activity to offset the maintenance cost.

A discussion ensued over value of the project, the amount of acreage involved (approximately 15), the length of time that the tracks have been idle, and various options such as rails to trails and rails and trails. Ideas such as a proposed trail head in Lambertville; using the D&R Canal parking lot next to the Holcombe-Jimison museum; and, going under Rt 29 to avoid crossing the road were floated. The Ringoes trail head could be located at Clausen Park, not far from the rail station. Mr. Tatsch stated that he is not requesting approval but just an endorsement of the concept to see if this will 'grow legs.' Funding options would include grants, Green Acres as well as other non-profits. There is considerable local interest and support and this could become a benefit to the communities involved as a source of both recreation and tourism. The City may benefit more on the tourism side as it would provide for business and economic benefit. However, the idea of biking from Ringoes to Lambertville—community to community—is exciting. Once there is municipal support, Kean Burenga will be approached and a meeting set up.

Mr. Molnar and Mr. Rich were supportive of the concept as presented and the Clerk was instructed to send a letter to that effect.

**Public Hearing:** Ordinance 15, 2011 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING MEMBER ATTENDANCE AND VACANCIES AT BOARD/SUBCOMMITTEE/COMMISSION MEETINGS

Proof of publication in the October 6, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the September 28, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Mr. Rich relayed that this provides for relieving and replacing board/committee members that do not attend meetings. Hearing no comments, the public hearing was closed.

Rich moved for adoption of the Ordinance and Molnar seconded. Roll Call: Rich-aye, Molnar-aye

**Public Hearing:** Ordinance 16, 2011 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING THE AWARD OF PUBLIC PROFESSIONAL SERVICE CONTRACTS

Proof of publication in the October 6, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the September 28, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. It was explained that this was part of the 'Best Practices' checklist recently completed. Hearing no comments, the public hearing was closed.

Rich moved for adoption of the Ordinance and Molnar seconded. Roll Call: Rich-aye, Molnar-aye

**Introduction:** Ordinance 17, 2011

The following ordinance was read by title and introduced on first reading:

**AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTERS 109-94, 109-95 AND 109-96 “GENERAL REQUIREMENTS FOR CONDITIONAL USES”, CHAPTER 109-97 “PUBLIC UTILITIES” AND CHAPTER 109-98 “WIRELESS TELECOMMUNICATIONS FACILITIES” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

**SECTION I**

CHAPTERS 109-94, 109-95 and 109-96 – Land Development, Article XIV, General Requirements for Conditional Uses, of the Ordinances of West Amwell Township, are hereby amended and replaced as follows:

**§ 109-94. Purpose.**

The purpose of this article is to set forth the requirements and procedures applicable to Conditional Uses in accordance with N.J.S.A. 40:55D-67. A Conditional Use shall not be approved unless the use is specifically permitted as a Conditional Use in the zone for which it is proposed.

**§ 109-95. General requirements.**

The following general requirements shall apply to all Conditional Use applications:

- A. In considering a Conditional Use application, the Board of Jurisdiction shall consider that certain uses are necessary to serve the needs of citizens of the Township. Conditional Uses also may have deleterious effects on the health, safety and welfare of the community if located without due consideration of existing conditions and surroundings. These standards and regulations are intended to provide certain design and development guidelines to further ensure that Conditional Uses, even though considered appropriate for the zones in which they are specified, will be established in such a way as to minimize their impact on surrounding properties and the community.

All Conditional Use applications shall be subject to site plan review. The Board of Jurisdiction shall give due consideration to:

- (1) The suitability of the particular property which is the subject of a Conditional Use application, including demonstration of the preservation and protection of existing natural resources on the site and in the vicinity.
- (2) Safe and efficient vehicular and pedestrian circulation, parking and loading. Parking requirements, if not specified in this chapter, shall be proven to be adequate by the applicant. All parking and loading areas must be screened from adjacent properties in accordance with applicable requirements of the West Amwell Land Development Ordinance.
- (3) Unless otherwise permitted within the specific requirements, Conditional Uses shall not occupy any area beyond the required principal building setbacks for the zone in which the Conditional Use is located.
- (4) Unless higher standards are required in the specific requirements for the Conditional Use, a minimum 10 foot wide vegetated visual screen shall separate all Conditional Uses from properties in residential zone districts.
  - (a) Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening

throughout the year.

- (b) The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.
  - (c) Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of West Amwell Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the Conditional Use within five years of issuance of a certificate of occupancy. A photo simulated exhibit depicting screening at key locations at the projected five year period shall be required.
- (5) The frontage and main access of a Conditional Use located within a residential zone shall be located on an arterial or collector road..
  - (6) There shall be an impact statement which shall evaluate the impact of the proposed Conditional Use on the zone in which it is located and on surrounding properties. Such statement shall include assessments of the impacts on the following:
    - (a) Air quality.
    - (b) Water quality.
    - (c) Community appearance.
    - (d) Vegetation.
    - (e) Land use.
    - (f) Traffic and road safety.
    - (g) Historical features.
    - (h) Audible impact.
    - (i) Viewsheds and scenic roads.
  - (7) The impact statement will be used by the Board to determine if the proposed Conditional Use has an adverse impact or impairs the surrounding area.

**§ 109-96. Specific requirements.**

- A. The Planning Board shall not approve an application for a Conditional Use unless the use for which an application is being made is specifically listed as a Conditional Use within the zone where the property is located.
- B. All applicable design, improvement and use standards and regulations in this chapter must be complied with, as well as the specific requirements and standards established for each Conditional Use.

**SECTION II**

CHAPTER 109-97 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Public Utilities, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

**§ 109-97. Public Utilities.**

Public utility uses, as defined by New Jersey State Statute (Title 48:2-13), such as pumping stations, high-voltage transmission lines and towers, electric substations, telephone exchanges and telephone repeater stations, but not service or storage yards, may be permitted in any zone, provided that:

- A. A set of plans, specifications and plot plans and a statement setting forth the need and purpose of the installation are filed with the Board of Jurisdiction by the applicant in triplicate.
- B. Proof is furnished to the Board of Jurisdiction that the proposed installation in the specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood in which the particular use is to be located.
- C. Above ground public utility facilities shall not occupy any area beyond the required principal building setbacks for the zone in which the public utility is located. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A minimum 50 foot wide vegetated visual screen shall separate above ground public utility facilities from properties in residential zone districts, a minimum 30 foot wide visual screen shall separate such facilities from public roads, and a 20 foot wide visual screen shall separate such facilities from properties in a nonresidential zone district.
- D. Above ground public utility facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
  - a. To the extent achievable above ground public utility facilities and structures shall be sited using the natural topography to screen the public utility from public view and the view of any adjoining residences.
  - b. If the public utility is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.
  - c. Standard screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate to the satisfaction of the Board of Jurisdiction that the proposed screening provides a visual screen of the public utility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the Board of Jurisdiction.
  - d. A barrier shall be installed behind the required screen which shall:
    - 1. Secure the facility at all times.
    - 2. Restrict access to all electrical wiring that may be readily accessible.
    - 3. All control equipment shall be labeled and secured to prevent unauthorized access.
    - 4. Conform to the Uniform Construction Code and other applicable standards.
    - 5. One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the public utility facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
    - 6. With the exception of signs identifying the public utility operator, no signs shall be posted on a public utility facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
    - 7. All transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
    - 8. The height of security fences and access gates shall not exceed 8'. Barbed

wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the Board of Jurisdiction that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates including barbed wire shall not exceed 8'. Approval of barbed wire fencing for public utility facilities is at the discretion of the Board of Jurisdiction.

- E. A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application and a 5 year maintenance bond approved by the Township Engineer shall be a condition of approval. The Maintenance Plan shall be environmentally responsible.
- F. All ground areas occupied by a public utility that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
  - a. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
  - b. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.
  - c. To the extent possible, roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Roadways shall be constructed to the minimal extent possible.
  - d. The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board of Jurisdiction may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available at [www.nrcs.usda.gov/technical/stream\\_restoration/newtofc.htm](http://www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm).
  - e. The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Section G below.
- G. The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's stormwater ordinance and other applicable state standards.
  - a. A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the Board of Jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also

address the need for additional drainage structures on other private properties or public lands.

- b. The grading and drainage plan shall show, among other things:
  - (1) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
  - (2) The calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the run-off from the slope and the lot; and
  - (3) The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
- c. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
- d. The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the Board of Jurisdiction.
- H. In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
  - a. Location, dimensions, and types of existing structures on the property.
  - b. Location of proposed and existing overhead and underground utility and transmission lines.
  - c. Location of any proposed or existing substations, inverters or transformers.
  - d. In the case of electrical facilities, a description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
  - e. Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
  - f. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
  - g. Location and condition of existing hedgerows and vegetated windbreaks.
  - h. A description of any lighting and its impact on neighboring residences and properties.
  - i. A construction plan to include a description of on site construction.
- I. An as-built plan shall be provided prior to activation.
- J. Public utility facilities shall be designed to comply with either of the following standards for sound emission:
  - a. The sound level shall not exceed 40 dBA when measured at any point on the property line of the public utility; or
  - b. The sound level shall not exceed the ambient sound levels measured at locations at the property line of the public utility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:



- (1) Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least one half hour and on three separate occasions, a minimum of four hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one second sampling interval; and
  - (2) The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value (“unweighted” or “flat” response, e.g., dBZ).
- K. Any disturbance of wooded or forested areas shall be in compliance with the West Amwell Woodlands Protection Ordinance (109-264).
- L. Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of public utility facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with the West Amwell Stream Corridor Protection Ordinance (109-146).

### **SECTION III**

CHAPTER 109-98 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Wireless Telecommunications Facilities, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

#### **§ 109-98. Wireless Telecommunications Facilities.**

- A. Wireless telecommunications facilities (WTF) and wireless telecommunications equipment facilities (WTEF) shall be considered conditional uses in all zones and shall be permitted as a second use on a lot.
- B. Antennas may be located on any existing structure (building, barn, silo, steeple, etc.) which is permitted in the zone. Such antennas shall not exceed 10 feet above the highest point of the structure and shall be designed to blend with that structure. Any associated equipment should be contained either directly within that structure, within another existing ancillary structure, or within a new structure designed to simulate an accessory building to the principal use on the site and subject to the zone regulations for an accessory structure. Antennas located on such existing structures need not comply with Subsection C(1), (2) [except Subsection C(2)(b)], (3), (4) or (5) below.
- C. Wireless telecommunications towers, including their associated antennas, shall be permitted if they meet the following conditions:
- (1) Lot size: 10 acres.
  - (2) Height standards.
    - (a) Maximum height of wireless telecommunications tower (exclusive of lightning rod): 140 feet.
    - (b) Maximum height of attached: shall not exceed 10 feet above the highest point of the structure
    - (c) Maximum height of WTEF's: maximum height allowed in zone for accessory structures.
  - (3) Setback standards. The following setback requirements shall apply to all towers for which a variance or conditional use permit is required:
    - (a) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line and all nonappurtenant buildings or the zoning district setback requirements, whichever is greater.
    - (b) WTEF's must satisfy the minimum zoning district setback requirements.

- (c) No tower shall exist within required buffer areas or conservation easement areas in any zone. Further, no WTF or WTEF shall exist within any easement subject to conservation, open space, or historical restrictions under the NJDEP Green Acres program, or upon any portion of land subject to an agriculture development easement.
- (4) Separation from off-site uses/designated areas. The following separation requirements shall apply to all towers and antennas for which a variance or conditional use permit is required:
  - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
  - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1

Off-Site Use/Designated Area	Separation Distance
Base of tower to:	
Existing residences, public parks and buildings, public or private schools, municipal buildings, libraries, houses of worship, land subject to a Green Acres easement, land subject to an agricultural development	500 feet or 300% of the height of the tower, whichever is greater
Any site designated on the National and/or State Register of Historic Places	2,500 feet
Vacant residentially zoned land	500 feet or 300% of the height of the tower, whichever is greater

- (5) Security fencing. WTF's and WTEF's shall be surrounded a security fence. The security fence shall be eight feet high. All towers shall be designed with anti-climbing devices in order to prevent unauthorized access.
- (6) Visual screening. In addition to security fencing, plant materials or earthwork shall be provided along the outside perimeter of the security fence to provide a continuous visual screen or buffer for adjoining properties and rights-of-way.
- (7) Area of WTEF. The cabinet or structure of a WTEF shall not contain more than 2,000 square feet. If the WTEF's are located on the roof of a building, the area of the WTEF shall not occupy more than 25% of the roof area.
- (8) Signs. A sign shall identify the property owner as well as responsible parties for operation of the WTF or WTEF; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided. Additional signs shall not be permitted except for required signs displaying owner contact information, warnings, equipment information and safety instructions. Such signs shall not exceed two square feet in area. No commercial advertising shall be permitted on any WTF or WTEF
- (9) Lighting. No lighting is permitted except as follows:
  - (a) WTEF's may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward, and is on timing devices and/or motion sensors so that the light is turned off when not needed for safety or security purposes.
  - (b) No lighting is permitted on a WTF except what may be required by the FAA.
- (10) Monopole. Any proposed new telecommunications tower shall be a monopole unless the applicant can demonstrate that a different type of pole is necessary for the

collocation of additional antennas on the tower. Such towers may employ camouflage technology.

- (11) Location priority. WTF's should be located to minimize the number of facilities needed in the community, while insuring effective and efficient telecommunications services; to encourage the use of existing buildings and structures to the maximum extent possible; to minimize the visual impact through careful siting, design, landscaping, screening and innovative camouflaging techniques, to make the facility compatible with the neighboring residences and the character of the community as a whole. Facilities should be placed to ensure that historic and architecturally significant areas, buildings and structures and significant view-, land-, and streetscapes are not visually impaired.
- (12) Noise. No equipment shall be operated so as to produce noise that would be a nuisance as per the West Amwell Nuisance Code, Chapter 166.
- (13) Parking. Parking shall be supplied as needed, not to exceed three spaces.
- (14) Maintenance. WTF's and WTEF's shall be maintained to assure their continued structural integrity and the site shall be maintained so as to not create a visual nuisance.
- (15) Color. WTF's shall be of a color appropriate in the context of the tower's location and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
- (16) Expert testimony. Expert testimony must be presented to include the following:
  - (a) Demonstrate need for a WTF at the proposed location. Such evidence shall describe in detail the wireless telecommunications network layout and its coverage area requirements and the need for new wireless telecommunications facilities at this specific location within the Township.
  - (b) Report from a qualified expert certifying that the WTF will comply with the structural and wind loading requirements as set forth in the International Building Code; or the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended; or such other code as may apply to these facilities, including a description of the number and type of antennas it is designed to accommodate.
  - (c) Proof that the applicant has exercised its best efforts to locate the wireless telecommunications antennas on an existing building or structure rather than on the proposed tower. Evidence demonstrating that no existing tower or building or structure can accommodate the provider's proposed antenna may consist of any of the following:
    - [1] No existing towers or structures are located within the geographic area that is necessary to meet the provider's radio frequency engineering requirement to provide reliable coverage.
    - [2] Existing towers or structures are not of sufficient height and cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements.
    - [3] The provider's proposed antenna would cause electromagnetic interference with antennas on existing towers or structures or the antennas on the existing towers or structures would cause interference with the provider's proposed WTF.
    - [4] The fees, cost, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable. Actual direct costs exceeding new tower design, development, and construction are presumed

to be patently unreasonable.

[5] The provider demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

- (d) Provision of the location of all existing communication towers and other structures over 35 feet in height within the applicant's search area; and provision of competent testimony by a radio frequency engineer regarding the suitability of each location so identified.
- (e) Where a suitable location on an existing structure or tower is found to exist, but the applicant is unable to secure an agreement to collocate its equipment on such tower or other structure, the applicant shall provide sufficient written evidence of its attempts to collocate.
- (f) Proof that the applicant has exercised its best efforts to site its WTF on an existing building or structure, prior to the consideration of a tower location. Such information shall include, but not be limited to, a list of the structures over 35 feet, including block and lot numbers and locations; the block and lot number of any parcel for which the wireless provider has attempted to secure a lease or purchase agreements; and copies of all correspondence from and between the provider and the property owner.
- (g) Applicants for new WTF's shall demonstrate that there is adequate ability for future expansion of the tower and facilities to accommodate future collocations to the maximum height of 140'.

D. Abandonment. Any wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such facility shall remove it within 90 days of notice from the Zoning Officer that the facility is abandoned. If such facility is not removed within 90 days, the Township may remove such facility at the owner's expense. If the facility is to be retained, the provider shall establish that the facility will be reused within one year after such abandonment. If the facility is not reused within one year, the facility shall be removed. At the discretion of the Zoning Officer, upon good cause shown, the one-year reuse period may be extended for a period not to exceed one additional year.

#### **SECTION IV - SEVERABILITY**

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

#### **SECTION V**

All other provisions of Chapter 109 – Land Development, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

#### **SECTION VI**

This ordinance may be renumbered for codification purposes.

#### **SECTION VII**

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

Rich moved to introduce the Ordinance on first reading and Molnar seconded. Roll Call: Rich-aye, Molnar-aye. The public hearing will be held November 23, 2011.

#### **Introduction:** Ordinance 18, 2011

Mr. Pfeiffer explained that this ordinance amends existing sections and fixes specific issues that could cause litigation. A lot of research has gone into this ordinance and the Planning Board voted unanimously to recommend introduction. The following ordinance was read by title and introduced on first reading:

**AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTER 109-99 “RIDING ACADEMY, LIVERY, OR BOARDING STABLE”, CHAPTER 109-100 “BED-AND-BREAKFAST GUEST HOUSE”, CHAPTER 109-101 “VETERINARY OFFICE OR CLINIC”, CHAPTER 109-102 “LANDSCAPE CONTRACTOR WITH PLANT NURSERY, WITH OR WITHOUT RETAIL SALES”, CHAPTER 109-103 “FARMERS’ MARKET”, CHAPTER 109-106 “NURSING HOMES AND INTERMEDIATE-CARE CENTERS”, CHAPTER 109-107 “PUBLIC AND QUASI-PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING”, CHAPTER 109-108 “GASOLINE STATIONS AND GASOLINE STATIONS WITH CONVENIENCE STORES”, CHAPTER 109-109 “CHILD CARE CENTERS OR PRESCHOOLS”, CHAPTER 109-110 “HOTELS AND MOTELS”, CHAPTER 109-111 “CONGREGATE CARE CENTERS”, CHAPTER 109-113 “HOSPITALS”, CHAPTER 109-114 “MULTIFAMILY RESIDENTIAL”, AND CHAPTER 109-115 “PLACES OF WORSHIP” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

### **SECTION I**

CHAPTER 109-99 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Riding Academy, Livery, or Boarding Stable, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

#### **§ 109-99. Riding Academy, Livery, or Boarding Stable.**

A riding academy, livery, or boarding stable may be permitted, subject to the following provisions:

- A. A lot area of not less than 15 acres shall be required.
- B. Accessory dwellings and farm buildings shall be permitted.
- C. No more than one horse per acre shall be permitted.
- D. Four horse shows shall be permitted each year. Additional shows require Township Committee approval.
- E. All structures, parking and loading areas and other facilities shall be set back a minimum of 150 feet from the front property line and 150 feet from side and rear property lot lines, only if the adjacent properties are located within a residential zone district. Otherwise the setback for the side and rear lot lines shall be 50 feet, or located within the building setbacks for the zoning district, whichever is greater.
- F. There must be proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.

### **SECTION II**

CHAPTER 109-100 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Bed-and-breakfast Guest House, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

#### **§ 109-100. Bed-and-breakfast Guest House.**

The use and occupancy of a detached dwelling may be permitted for accommodating transient guests for rent subject to the following conditions:

- A. No more than six guest rooms may be permitted. No more than two adults and two children may occupy one guest room.
- B. The minimum lot size for the guest house use shall be twice the minimum required for the zone in which it is located.

- C. The bed-and-breakfast guest house must maintain a residential appearance.
- D. The use shall be carried on primarily by members of the immediate family which must reside on the premises. Nonresident employees shall be limited to two in addition to the resident members of the family.
- E. There shall be no separate kitchen or cooking facilities in any guest room. Food shall be served only to guests on the premises and only breakfast shall be served.
- F. The maximum uninterrupted length of stay at a guest house shall be 14 days.
- G. The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to guests of the establishment.
- H. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which meets the regulations for signs set forth in this chapter.
- I. The applicant shall demonstrate to the satisfaction of the Board of Health that private well and septic are adequate to serve the maximum number of guests which could be housed at the facility at any one time. Septic designs must be consistent with the Township's wastewater management plan
- J. A sufficient number of off-street parking spaces, as determined by the Board, must be provided. One parking space shall be provided for each guest room.
- K. Parking areas shall be screened with landscape buffers to shield off-site residences.

### **SECTION III**

CHAPTER 109-101 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Veterinary Office or Clinic, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

#### **§ 109-101. Veterinary Office or Clinic.**

Such use may be permitted subject to the following provisions:

- A. A veterinary office or clinic shall not include outdoor animal pens.
- B. The office or clinic must present proof of a waste disposal and a management program certified acceptable by the County Health Department of local Board of Health.
- C. Veterinary offices or clinics are only conditionally permitted in nonresidential zones.

### **SECTION IV**

CHAPTER 109-102 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Landscape Contractor with Plant Nursery, with or without Retail Sales, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

#### **§ 109-102. Landscape Contractor with or without Plant Nursery, with or without Retail Sales.**

The personal service business of building, installing and maintaining hard and soft landscape features off-site for a contracted fee may be permitted subject to the following provisions:

- A. A minimum lot area of 6 acres shall be required.
- B. No power equipment, such as gas or electric lawn mowers and farm implements, may be sold wholesale or retail.
- C. All equipment and vehicles must be stored under a roof and not within the front yard.
- D. All structures, facilities, parking and loading areas shall be set back a minimum of 100 feet

from the front property line and 100 feet from the side and rear property lot lines, only if the adjacent properties are located within a residential zone district. Otherwise the setback for the side and rear lot lines shall be 50 feet or located within the building setbacks for the zoning district, whichever is greater.

- E Frontage and access to the landscape contracting use shall be limited to any paved public road.
- F A landscaped buffer yard of 20 feet in width shall be required along rear and side yard lot lines of the site only if rear and side yard lots abut properties in a residential zone district.

## **SECTION V**

CHAPTER 109-103 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Farmers’ Market, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-103. Farmers' Market.**

A market consisting of booths and stalls to sell produce and farm products to the general public may be permitted subject to the following provisions:

- A. The minimum lot area shall be two acres.
- B. A maximum of 500 square feet of selling area for any one individual farmer or retailer shall be permitted.
- C. Sales are limited to farm products and services, craftsman-produced goods and food services.

## **SECTION VI**

CHAPTER 109-106 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Nursing Homes and Intermediate Care Centers, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-106. Nursing Homes and Intermediate Care Centers.**

Nursing homes and intermediate care centers may be permitted subject to the following conditions:

- A. The minimum lot size shall be five acres.
- B. Buildings shall be set back a minimum of 150 feet from the exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater,
- C. The maximum number of beds per facility shall be limited to the maximum permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township’s wastewater management plan.
- D. A buffer shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section of this chapter. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.*
- E. Nursing homes and intermediate care centers shall maintain a residential appearance.
- F. Parking and loading areas shall be a minimum of 100 feet from all exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.
- G Outdoor terraces or porches shall be provided.
- H All state licenses and certifications shall be renewed as required, and evidence of such renewals filed with the Township Clerk.

## **SECTION VII**

CHAPTER 109-107 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Public and Quasi-public Schools and Institutions of Higher Learning, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

**§ 109-107. Public, Quasi-public, and Private or Parochial schools.**

Schools may be permitted, subject to the following provisions:

- A. Schools as a conditional use shall include quasi-public and private or parochial schools which are not conducted as a business.
- B. All schools located in a residential zone shall have a minimum lot requirement of five acres.
- C. Schools may exceed the height limitations of this chapter, provided that no building shall have a height of greater than 50 feet, and further provided that such uses shall increase the front, rear and side yards one foot for each foot by which the building exceeds the height limit for the zone in which it is located.
- D. Schools shall be located on a collector road, as designated in the Township Master Plan.
- E. Sufficient off-street parking shall be provided, pursuant to the improvement standards section. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.* All parking and loading areas shall be a minimum of 50 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.
- F. Active outdoor recreation facilities shall be a minimum of 200 feet from rear or side lot lines or located within the building setbacks for the zoning district, whichever is greater.
- G. A minimum 25 foot wide vegetated screen shall be provided to screen outdoor or recreation areas from properties in residential zone districts so as to protect adjacent residential homes or zones from inappropriate noise and other disturbances.
- H. Each side and rear yard setback shall be a minimum of 75 feet or the building setbacks for the zoning district, whichever is greater.
- I. Front yard setbacks shall be a minimum of 100 feet or the building setbacks for the zoning district, whichever is greater.
- J. A buffer strip shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.*

**SECTION VIII**

CHAPTER 109-108 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Gasoline Stations and Gasoline Stations with Convenience Stores, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

**§ 109-108. Gasoline Stations and Gasoline Stations with Convenience Stores.**

A gasoline station or a gasoline station in combination with a convenience store and/or car wash may be permitted subject to the following provisions:

- A. A set of plans, specifications and plot plans in triplicate is filed with the Planning Board showing in detail the exact location of such gasoline filling station, the number of storage tanks to be installed, the dimensions and capacity of each tank, the depth at which the tanks will be placed below the ground, the number of gas pumps to be installed, the type of structure and accessory buildings to be constructed and the number of automobiles to be garaged.
- B. A gasoline station, with or without a convenience store and/or car wash, must be at least 500 feet from the boundary of a residential zone within West Amwell, measured from the closest boundary to the nearest point of the gasoline station (building, canopy or uncovered pump



island).

- C. The lot or parcel to be used solely for a gasoline station shall meet the lot size and frontage requirements of the zone in which it is located. The lot or parcel to be used for both a gasoline station and a convenience store shall have a minimum lot size at least 25% larger than that required in the zone.
- D. Any buildings associated with the gasoline station, pumps, and pump islands shall be set back at least 50 feet from property lot lines. Canopies shall be set back at least 35 feet from the property lines. Any building or structure associated with the convenience store shall meet the setback requirements of the zone in which it is located.
- E. Corner lots shall have a curb radius of at least 25 feet and access to roads shall be at least 100 feet from the intersection of any streets.
- F. All unpaved areas shall be attractively landscaped with grass lawns, trees and shrubs or other appropriate vegetation.
- G. Any auto repair work shall take place within a building and all repair or service apparatus shall be located within that building. Where auto repair work is being done in conjunction with a gasoline service station, a convenience store shall not be allowed on the same lot or parcel.
- H. There shall be no outdoor storage of any goods or supplies nor shall there be outdoor display of goods for sale.
- I. Floor drains for any building within which auto repairs may take place shall not be connected to any sanitary sewer system or storm drain but do have to comply with the Uniform Construction Code.
- J. All fuel storage tanks shall be installed below ground level and shall be at least 40 feet from any property line. Where the possibility of contamination of underground water resources exists, the Board may require precautions against leakage and seepage in accordance with DEP and Uniform Construction Code requirements.
- K. The Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, traffic safety, considering the location and configuration of the lot in question.
- L. The following are specifically prohibited at a gasoline station or a gasoline station with convenience store and/or car wash:
  - (1) Paint-spraying or body and fender work.
  - (2) Storage of junk vehicles.
  - (3) The sale or rental of automobiles, trucks, trailers, or other vehicles.
  - (4) Outside eating and sitting areas.
  - (5) Drive-through window service.

## **SECTION IX**

CHAPTER 109-109 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Child-Care Centers or Preschools, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-109. Child-Care Centers or Preschools.**

A child-care center or preschool may be permitted, subject to the following conditions:

- A. The minimum lot size shall be one acre or twice the minimum lot size for the zone in which this use is located, whichever is greater.
- B. A maximum of 20 children shall be permitted for child-care centers or preschools in residential zones; in other zones size shall be controlled by the state child-care facility

licensing board. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.

- C. Outdoor active recreation areas shall be a minimum of 75 feet from all property lines and shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances. A minimum 15 foot vegetation screen shall be provided to screen any nearby properties located in residential zone districts.
- D. A site plan which indicates that there will be an adequate and safe drop-off area must be provided.
- E. A copy of all required licenses and certificates shall be filed with the Township Clerk.

## **SECTION X**

CHAPTER 109-110 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Hotels and Motels, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-110. Hotels and Motels.**

Hotels and motels shall be conditional uses in the zones specified and shall adhere to the following:

- A. The lot on which a hotel or motel is located shall not be less than 10 acres.
- B. Buildings shall be set back a minimum of 100 feet from exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.
- C. No building shall exceed 40 feet in height.
- D. Lot coverage shall not exceed that permitted in the zone district in which the hotel or motel is to be located.
- E. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- F. There shall be no separate kitchen or cooking facilities permitted in hotel and motel rooms.

## **SECTION XI**

CHAPTER 109-111 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Congregate Care Centers, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-111. Congregate Care Centers and Assisted Living Facilities.**

A congregate care or assisted living facility may be permitted, subject to the following conditions:

- A. The minimum lot size shall be five acres.
- B. Access shall be from a collector road.
- C. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- D. A buffer strip shall be provided between parking areas, buildings or facilities, and adjacent lot lines in accordance with the design standards section of this chapter. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.*
- E. Congregate care centers and assisted living facilities shall maintain a residential appearance.

- F. Buildings shall be set back a minimum of 150 feet from exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.
- G. All parking and loading areas shall be a minimum of 100 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.
- H. Outdoor terraces and porches shall be provided.
- I. Accessory uses may include communal dining facilities, lounges, recreational areas and facilities, chapels, libraries, arts and crafts centers, medical care facilities and similar types of facilities intended primarily for the use of residents.
- J. The facility may include one or more buildings containing individual dwelling units designed for and limited to occupancy of not more than two persons, one of whom shall be 62 years of age or older.
- K. All state licenses and certifications shall be renewed as required and evidence of such renewals filed with the Township Clerk.

## **SECTION XII**

CHAPTER 109-113 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Hospitals, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-113. Hospitals.**

Hospitals and clinics are a conditional use in the zones specified and shall adhere to the following:

- A. The lot on which a hospital or clinic is proposed shall not be less than 5 acres.
- B. No principal structure shall be located less than 150 from any property line. All structures shall be located within the building setbacks for the zoning district.
- C. Lot coverage shall not exceed that permitted in the zone district in which the hospital is to be located.
- D. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.

## **SECTION XIII**

CHAPTER 109-114 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Multifamily Residential, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-114. Multifamily Residential.**

Multifamily residential uses are a conditional use in the zones specified and shall adhere to the following:

- A. Multifamily residential uses shall be permitted as part of a mixed-use development and shall be located on the second floor of any nonresidential building.
- B. The number of units permitted on each site shall be limited to the maximum permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan. Parking for the residential units shall be in accordance with the RSIS.
- C. No building shall be permitted to exceed the maximum building height of the zone.
- D. Lot coverage requirements of the zone shall be complied with. Where the existing development already exceeds the permitted lot coverage, the creation of residential over commercial dwelling units shall not be permitted to increase the coverage any further.

- E All units shall be one-bedroom for developments up to five total units.
- F Where more than five units are proposed at least 50% shall be one-bedroom and no unit shall have more than three bedrooms.
- G Additions to buildings in order to provide housing units shall not extend beyond the first floor, except for architectural projections as may be permitted elsewhere in this Part 4, Zoning, balconies and stairways or where said projection will conform to the required building setback of the zone.
- H Where completely new construction is proposed all setbacks shall conform to the appropriate zoning regulations.

#### **SECTION XIV**

CHAPTER 109-115 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Places of Worship, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

##### **§ 109-115. Places of Worship.**

Places of worship are a conditional use in the zones specified and shall adhere to the following:

- A. The minimum lot size for any place of worship shall be five acres, at least four of which shall be buildable.
- B. Principal or accessory buildings shall be located no less than 75 feet from any front, side or rear property line or within the building setbacks for the zoning district, whichever is greater.
- C. Maximum lot coverage shall be 35%.

#### **SECTION XV - SEVERABILITY**

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

#### **SECTION XVI**

All other provisions of Chapter 109 – Land Development, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

#### **SECTION XVII**

This ordinance may be renumbered for codification purposes.

#### **SECTION XVIII**

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

Rich moved to introduce the Ordinance on first reading and Molnar seconded. Roll Call: Rich-aye, Molnar-aye. The public hearing will be held November 23, 2011.

#### **Introduction:** Ordinance 19, 2011

Mr. Pfeiffer explained that the purpose is to up date the penalties and that the Zoning Official had requested this. The Planning Board has unanimously approved it. The following ordinance was read by title and introduced on first reading:

**AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTER 109-250 “OTHER VIOLATIONS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.**

## **SECTION I**

CHAPTER 109-250 – Land Development, Article XLI “Violations and Penalties”, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

### **§ 109-250. Other Violations.**

A. Fines. Any owner, agent, person or corporation who violates any of the provisions of this chapter or who fails to comply with any of the requirements thereof or who erects, raises, moves, extends, enlarges, alters or demolishes any structure in violation of any detailed statement or plan submitted hereunder, or who puts into use any lot or premises in violation of any detailed statement or plans submitted hereunder or who refuses reasonable opportunity to inspect any premises, shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that any such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a distinct and separate offense and not a continuing offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. The imposition of a fine in amount greater than \$1,250.00 upon an owner for violation of this ordinance shall provide for a thirty (30) day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the municipal court for an independent determination concerning the violation. Subsequent to the expiration of the thirty (30) day period, a fine greater than \$1,250.00 (up to a maximum of \$2,000.00) may be imposed if the court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not be substantially completed. (Reference N.J.S.A. 40:49-5.)

B. The owner of any structure, lot of land, or part thereof, and/or the tenant or occupant of any building or structure, lot of land or part thereof, where anything in violation of this chapter is placed or exists, and any architect, builder, developer, contractor, agent, person or corporation engaged or employed in connection therewith who assists in the commission of such violation, shall each be guilty of a separate offense, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, as specified in Subsection A above.

## **SECTION II - SEVERABILITY**

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

## **SECTION III**

All other provisions of Chapter 109 – Land Development, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

## **SECTION IV**

This ordinance may be renumbered for codification purposes.

## **SECTION V**

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

Rich moved to introduce the Ordinance on first reading and Molnar seconded. Roll Call: Rich-aye, Molnar-aye. The public hearing will be held November 23, 2011.

## **SPECIAL AND/OR STANDING COMMITTEE REPORTS**

### **Open Space**

- *County Municipal Grant Application & Resolution*: Judy O'Brien prepared this year's application. The Township is able to use the former Toll property again this year. The following resolution was presented:

Resolution #152-2011

Whereas:

The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes; farmland preservation; preparation of plan elements of a municipal Master Plan, and restoration of county owned or municipal owned historic facilities. The Governing Body of West Amwell Township desires to obtain Open Space Trust Funds in the amount of \$17,128.33 to fund Toll Brothers South Farm, Block 8, Lots 20 & 36.

Now Therefore the Governing Body resolves that:

1. Judy O'Brien is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above named municipality.
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto.
3. Mayor, Thomas J. Molnar is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

The Resolution was unanimously approved on motion by Rich, seconded by Molnar. Mayor Molnar executed the application.

- *Project Status Updates:* Sean Pfeiffer offered that there may be renewed interest in an easement purchase of 210 acre Toll North property. This property had an informal review in 2006 and the school board advised that if developed, a new school would be needed. In 2007 both the North & South parcels were for sale, with the Township purchasing the latter. Toll North was to be an easement purchase and an application was submitted in 2008. Later than year, Toll pulled out in large part due to the County's option agreement. The company was looking for potential sewage but the settlement of the lawsuit ended that. Conversations with a solar provider also fell through. The property is a priority farm in the Master Plan and in the Farmland Preservation plan. Mr. Pfeiffer has been in contact with Bill Milette and Dan Knox about the project and relayed that it is on the County's list. It remains to be seen where it will score. The Township's cost would be 20% of the easement value but no risk of holding property. The appraisals based on 2004 zoning are no longer eligible. At the time, the easement value was \$2 million. A briefly discussion ensued over the number of homes proposed and the breakdown of commercial and residential acreage, 20 and 190, respectively. Mr. Pfeiffer is willing to prepare the application but only if there is support of the Township Committee for the project to go forward. This particular parcel is the more valuable of the two and contains state-wide prime soils. Of the other PIG targeted farms—Nunn (30 acres), Fulper GDP, and Hanover Shoe—the latter two have not expressed interest.

A second project is the 98 acre Mountford farm on Goat Hill Road, which would be a Farmland Preservation deal with Hunterdon Land Trust as the lead, although there may be a problem in that it is not in the ADA. HLT is not asking for Township money, just County and State, and applications have been filed. This is a lovely property and bumps up to the old Boy Scout camp. There is also a stone bridge as the original entrance to the property was from Route 29. Given that the property is not in the ADA, it may be necessary to amend it. The Farmland Preservation program does not include public access, only the purchase of developments to maintain the property as a farm. The property is in the SRPD on the east side of the road and perhaps RR6 on the other. Mr. Pfeiffer relayed that the Township may have to support the non-profit by amending the Agricultural Development Area, noting that when the ADA was originally developed, the SW portion of the Township was not included. This change would have to be approved by Ag Advisory, the Planning Board, the Township Committee and the County. The latter, however, would likely take its cue from the Township. Although Mr. Pfeiffer has not been in contact with the landowner, they may be interested in maintaining the property as a farm in perpetuity. Hal Shute commented that changing the ADA would be complicated in that all

landowners in the areas would need to sign off; some may not; and, questioned the impact on land value. Mr. Pfeiffer noted that a letter from the Township sufficient with Gulick; however, this time the property will be well of the ADA. Although this doesn't mean that preservation can't be obtained, potentially with Green Acres funding, the approach taken by HLT isn't going to work with the current ADA situation. The possibility of creating a second ADA was raised but the question here is if it has to be contiguous. Mr. Pfeiffer inquired whether the Township Committee was supportive of the concept and was requested to research how this would be handled.

### **Environmental**

- *Authorization to Post July 14, 2011 & August 11, 2011 Minutes to Website:* Approved for posting.

### **Recycling**

- *Proposal for Electronics Recycling:* The Recycling committee is interested in providing an electronics recycling opportunity for residents and a proposal was presented. There would be no fee involved to the Township and a list of acceptable materials was included. It was suggested that the recycling chair, Ken Hart, also check with the County as to their vendor. Although there are details to work out, the concept was unanimously endorsed by the Committee.

### **UNFINISHED BUSINESS**

**Appointments** – None at this time

**Updates** – 1) The Court Administrator's **cell phone** request was held as information received from the Police department was that this wasn't needed. 2) Disposition of **excess police** vehicles is for the 2005 Explorer to be retired and put to use for the DPW and ACO with 26-10, or the vehicle needing the most work, to be sold. 3) Attorney Faherty relayed that the **Burgess** application has been resurrected and a sponsored application is requested. He has a call into Alex of GoldenbaumBaill concerning same. 4) Temporary **speed humps** for use on Alexauken Creek Road are being researched. Lt. Bartzak and Road Supervisor Hoagland were to check out the ones viewed by the mayor. Mayor Sworen of Frenchtown was contacted to provide information on where these can be obtained and the cost, which should be less than \$1000. There is supposedly another vendor whose cost is 40% less than that of the Frenchtown ones. However, there's been no further word. Signs will be needed to alert drivers of the presence of these humps. Mr. Rich indicated that he is okay with this concept.

**Purchase Authorization Resolutions** – The following resolutions for the **dump truck** and **computers** approved for State contract purchase at the last meeting were presented.

#### **RESOLUTION #153-2011**

**WHEREAS**, there is a need to purchase a dump truck with plow for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A-78848; and

**WHEREAS**, the maximum amount of the purchase is \$80,000.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 10, 2011; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward a Purchase Requisition to Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 for the purchase of a 2011 Ford F-450 4WD Reg Cab 141" WB 60" CA XL as described in the quotation received.

The Resolution was unanimously approved on motion by Rich, seconded by Molnar.

**RESOLUTION #154-2011**

**WHEREAS**, there is a need to purchase 10 computers for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and

**WHEREAS**, these can be purchased through State Contract #WN88ABZ; and

**WHEREAS**, the maximum amount of the purchase is \$7,000.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 15, 2010; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward a Purchase Requisition to Dell for the purchase of computers of computers for Police, Court and DPW per quotations received.

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

**Fire Company Turn Out Gear –**

**RESOLUTION #155-2011  
Amending RESOLUTION #146-2011**

**BE IT RESOLVED** that RESOLUTION #146, 2011 Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A is hereby amended to provide Fire Company turn out gear as follows:

**Referenced State Contract Vendors**

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
Coats & Pants	George Kline Sales	# 76359
Helmets	Continental Fire & Safety Inc.	#A76357
Boots	New Jersey Fire Equipment Co.	#A76357
Hoods	New Jersey Fire Equipment Co.	#A76366

The Resolution was unanimously approved on motion by Rich, seconded by Molnar

**RESOLUTION #156-2011**

**WHEREAS**, there is a need to purchase various pieces of fire company turn out gear for the Township of West Amwell, in the County of Hunterdon, State of New Jersey as follows

- 1) 6 coats  
6 pr pants
- 2) 10 Helmets
- 3) 2 pr boots
- 4) 10 Hoods

; and

**WHEREAS**, these items can be purchased through the following State Contract vendors

- 1) #76359 – George Kline Sales; \$11,683.86
- 2) #A76357 – Continental Fire & Safety Inc; \$2,360.00
- 3) #A76357 – New Jersey Fire Equipment Company; \$594.00
- 4) #A76366 – New Jersey Fire Equipment Company; \$360.00

; and



**WHEREAS**, the maximum amount of the purchases is \$15,000.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 10, 2011; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward Purchase Requisitions to the stated vendors for the commodities listed above.

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

**Professional Services Direction for 2012** – Brief discussion about the Planning Board's desire to piggy back on any Township advertisement and that these contracts are awarded in January by the re-organized Board ensued. Held

**Resolution Releasing Calton/Centex Maintenance Bond** – Attorney Faherty relayed that the wells have nothing to do with the posted bond; that the Township Committee cannot legally hold up their release; and, the Corporation is obligated to produce the appropriate paperwork. Mr. Rich offered that the Ferris Wheel Drive signs are now the obligation of the Township to replace they were visually noted at the time of inspection and the punch list is now completed. Calton has staked the areas to be dug up to confirm that the wells have been appropriately abandoned and capped, something that the home owners have a vested right to know, and that cooperation is needed between the parties involved.

#### RESOLUTION #157-2011

WHEREAS, Centex Homes, LLC has completed their work at the Estates at West Amwell and has requested the return of Maintenance Bond ARM10755; and

WHEREAS, the Township Engineer has advised that Centex Homes has satisfactorily completed all of the work identified on his November 16, 2011 punch list; and

WHEREAS, Township Engineer Robert J. Clerico has advised in his e-mail of September 27, 2011 to Township Clerk Olsen that the maintenance bond can be released to the applicant once the well issue is resolved; and

WHEREAS, the abandonment of the wells on Music Mountain Boulevard and Ferris Wheel Drive is in process and proper documentation will be provided to the Hunterdon County Health Department

THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey the maintenance bond is hereby released to Centex Homes, LLC

The Resolution was unanimously approved on motion by Rich, seconded by Molnar.

**Discussion Concerning Repair of Mill Road/Bonding** – The most recent information is that the Township must have an ordinance in place before filing with FEMA. Mr. Rich relayed that a revised estimate that includes only FEMS work to fix the bridge area is expected by the end of the week.

**Conservation Plan for Block 8 Lots 20 & 36** – This document was just recently received from the NRCS. Mr. Pfeiffer reviewed that this was a requirement of the grant with the SADC and was supposed to be completed within one year. However, the NRCS was backed up and given more time. Rich authorized the mayor to sign the document and Molnar seconded. Motion carried unanimously.

**NEW BUSINESS**

**East Amwell Initiative re: Black River & Western Rail Line ROW (Also see 7.C)** – See discussion earlier in the evening.

**Orleans Maintenance Bonds & Inspections** – The Clerk was instructed to contact the Township Engineer with an okay to schedule the final inspections.

**Special Meeting Date** – A special meeting will be held on November 7<sup>th</sup> at 5:30 for Committee Stormwater Training, interviews for the position of Fire Subcode Official, possible award of roofing quotes and the introduction of a bond ordinance for Mill Road.

**Special Emergency Appropriations** – This is to fund the payout for unused vacation, sick and comp time for a retiring police officer.

**TOWNSHIP OF WEST AMWELL  
SPECIAL EMERGENCY APPROPRIATION  
CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING  
FROM THE RETIREMENT OF POLICE EMPLOYEE**

**RESOLUTION #158-2011**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred by the Township of West Amwell in regard to the retirement of a Township Police Employee and,

WHEREAS, NJSA 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, by not less than two-thirds of all governing body members affirmatively concurring that in accordance with the provisions of NJS 40A: 4-55:

1. An emergency appropriation is hereby made for contractual required severance liabilities resulting from the retirement of a police employee by the Township of West Amwell in the total amount of  
\$ 29,992.00 (includes employer’s share)
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by inclusion of not less than \$ 5,998.00.
3. That an “emergency note” not in excess of the amount authorized pursuant to law be provided.
4. That such note be executed by Thomas J Carro, Chief Financial Officer and Lora Olsen, Township Clerk.
5. That said note shall be dated October 26, 2011 may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

The Resolution was unanimously approved on motion by Rich, seconded by Molnar.

A second special emergency resolution is needed to cover expenses incurred as a result of Hurricane Irene.

**TOWNSHIP OF WEST AMWELL  
SPECIAL EMERGENCY APPROPRIATION  
EXTRAORDINARY EXPENSE FOR REPAIR AND RECONSTRUCTION  
OF PROPERTY DAMAGED BY HURRICANE IRENE – 2011**

RESOLUTION #159-2011

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred by the Township of West Amwell for damages sustained by Hurricane Irene and,

WHEREAS, NJSA 40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, by not less than two-thirds of all governing body members affirmatively concurring that in accordance with the provisions of NJS 40A: 4-55:

1. An emergency appropriation is hereby made for damage sustained by the Township of West Amwell caused by Hurricane Irene in the total amount of \$ 60,000.00
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by inclusion of not less than \$ 12,000.00.
3. That an “emergency note” not in excess of the amount authorized pursuant to law be provided.
4. That such note be executed by Thomas J Carro, Chief Financial Officer and Lora Olsen, Township Clerk.
5. That said note shall be dated October 26, 2011 may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

**Consideration of Request from Volunteer OEM Director for Letter to the County** – Held

**Consideration of Resolutions** –

RESOLUTION #160-2011

*“Telecommunications-Cable Television Deregulation Ensuring Consumer Protection Act”*

WHEREAS, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

WHEREAS, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

WHEREAS, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

WHEREAS, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

WHEREAS, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and,

WHEREAS, in response, S-3062 has now been introduced as an alternative to protect the existing System-wide Franchise and keeping in place necessary protections for municipalities.

NOW, THEREFORE, BE IT RESOLVED, video franchise related revenue and benefits must not be reduced by the State; and

BE IT FURTHER RESOLVED, the governing body of the Township of West Amwell supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its

swift passage; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, the Senate Leadership, Senator Doherty, Assemblymen DiMaio and Peterson, the Governor of the State of New Jersey, and the New Jersey State League of Municipalities

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

RESOLUTION #161-2011  
*Opposing S-2887, Regarding Wind Energy Generation Projects on Farms*

WHEREAS, Senate Bill S-2887 would establish a new category of farmland-based wind energy generation projects on farms that require no regulatory review other than limited minor site plan review by the municipality on farmland, whether it is permanently preserved or not; and

WHEREAS, this legislation would mandate that any such qualifying projects shall be a permitted use under local zoning, and, further, that any such project would be exempt from any public notice or hearing requirement currently required of all zoning variances; and

WHEREAS, to meet this special exemption, projects would need to meet the following standards:

1. No more than 1 turbine for every 33 contiguous acres;
2. 750 foot setback requirement from any residence or property line;
3. Must not exceed 55 decibels noise level at the property line; and
4. Meet uniform construction code requirements and all interconnection Requirements as set forth by the Board of Public Utilities

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon, State of New Jersey that, while this municipality supports the promotion of renewable and green energy sources where appropriate, this governing body **opposes** S-2887 for the following reasons:

1. The legislation is an unnecessary and unwarranted intrusion of local zoning discretion;
2. The legislation undermines the legislative and regulatory intent of the farmland preservation program. Public dollars were used to permanently preserve farmland, and this bill would open such land to large scale wind energy generation projects; and
3. Exemption such projects from notice and hearing requirements excludes public notice and participation in the process.

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to Governor Chris Christie, Senator Michael Doherty, State Assemblymen John DiMaio and Erik J. Peterson and all Hunterdon County municipalities.

BE IT FURTHER RESOLVED that true copies of this resolution shall also be forwarded to the following members of the State Environment and Energy Committee: Hon. Bob Smith, Hon. Robert M. Gordon, Hon. Linda Greenstein, Hon. Christopher "Kip" Bateman, Hon. Jennifer Beck, as well as the New Jersey State League of Municipalities.

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

RESOLUTION #162-2011  
*To Request a Study of School District Consolidation in the County of Hunterdon*

WHEREAS, the largest portion of every Hunterdon County resident's property tax bill is for schools; and

WHEREAS, taxpayers in Hunterdon County will spend \$391,477,379 in 2011-2012 to educate 22,178 public school students; and

WHEREAS, Hunterdon County has thirty (30) independent school districts including 4 regional high school districts, 1 vocational school, 1 alternative school, 1 regional elementary district and 23 elementary districts; and

WHEREAS, Hunterdon County residents are paying 30 Superintendents and 30 Business Administrators/Supervisors roughly \$4,085,000 and \$2,545,000 respectively for a total of \$6,630,000 in 2011-2012; and

WHEREAS, those school districts are comprised of 3,340 employees in 50 buildings; and

WHEREAS, the average amount spent per every student per year is \$17,651; and

WHEREAS, according to a poll of 1,000 likely voters conducted by Kean University's Center for History, Politics and Policy, sixty three percent (63%) favored "a decrease in property taxes, (if it meant) the merger of (their) town's schools with schools in neighboring towns in (their) home county," and;

WHEREAS, reassigning the highest level Administrative personnel to serve five (5) Regional Districts under one (1) County School District would reduce related expenses by approximately \$3,631,000 saving 55%; and

WHEREAS, duplicate administrative expenses can also be substantially reduced through consolidation; and

WHEREAS, every tax dollar spent to support administration and infrastructure directly reduces the capital available to educate our children; and

WHEREAS, the mechanisms to create a County Wide School District are already in place in State statutes

NOW, THEREFORE, BE IT RESOLVED that the Township of West Amwell in the County of Hunterdon, in the State of New Jersey, requests a study be conducted through the office of the Commissioner of Education in accordance with New Jersey Statute Title 18A:7-8 to determine the cost savings of a county wide school district that also maintains or improves the educational outcome for our students.

BE IT FURTHER RESOLVED that the results of that study be implemented so that school districts be required to enter arrangements with one or more other school districts or educational services commissions for the consolidation of the district's administrative services and to the benefit of their respective taxpayers.

**Reference Notes:**

1. <http://www.co.hunterdon.nj.us/schools/superintendent.htm>
2. <http://www.state.nj.us/education/finance/fp/ufb/>
3. Salary calculations reflect actual figures for Superintendents in 2011/12 and an average of \$116,305 for Hunterdon County Administrators. Total wages for 30 Superintendents at \$4,085,411 and 30 Administrators (estimated at \$3,489,000). Same wages for 6 Administrators and 6 Superintendents = \$1,710,000 + \$1,289,241 for Superintendents that would remain in the role of Principal; which capacity they also currently serve. Difference = \$4,575,000 or a reduction of approximately 60%.
4. Kean University Center for History, Politics and Policy, published in Star Ledger Sept 7, 2011
5. <http://www.co.hunterdon.nju.us/schools/superintendent.htm>
6. <http://www.state.nj.us/education/finance/fp/ufb/>
7. Salary calculations reflect actual figures for Superintendents and for Hunterdon County Administrators in 2011/12. Total wages for 30 Superintendents at \$4,085,411 and 30 Administrators \$2,544,921. Same wages for 6 Administrators and 6 Superintendents = \$1,710,000 (+ \$1,289,000 for Superintendents that would remain in the role of Principal, which capacity they also currently serve. Difference = \$3,631,000 or a reduction of approximately 55%.
8. Kean University Center for History, Politics and Policy, published in Star Ledger Sept 7, 2011

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

**Retail Food Program** – A recent memo from the County Health Department suggested that consideration be given to adding a later penalty for failing to renew a retail food license. An amendment to the existing food handling ordinance was approved. The late fee will be \$50.00/month.

Mrs. Olsen relayed as a FYI that the bid for a new loader/backhoe will be advertised next week.

### **OPEN TO THE PUBLIC**

Harry Heller came forward and a brief discussion ensued about possible additions/replacements on the OEM committee.

Mr. Pfeiffer inquired about the Kaluzny deeds. This Planning Board subdivision signed over a 30 acre easement to the Township but the documents have not been received. According to Attorney Faherty, the deeds were record by the attorney but the secretary gave them to Mrs. Kaluzney. A followup call will be placed. Mr. Pfeiffer noted that the Township needs to get the documents and that the Open Space map is on hold because of this. These should have been received months ago. Assessor Gill will be asked whether he has received them.

Mr. Heller relayed that he's interested in having the County give back vacation time used while attending to his duties in West Amwell during Hurricane Irene. Apparently there is a recent law concerning volunteer leave for emergencies. He has contacted Human Resources and his boss, Mr. Wagner, who is receptive. Mr. Heller has the support of the Township Committee on this and was instructed to provide whatever is needed for action.

### **ADMINISTRATIVE REPORTS**

**Treasurer –**

**RESOLUTION # 163-2011  
TOWNSHIP OF WEST AMWELL  
RESOLUTION TO RETURN ESCROW FUNDS  
OCTOBER 26, 2011**

WHEREAS, it has been determined by the Zoning Board of West Amwell Township that the Following applicant's fees are in excess of what was needed to cover and process a variance Request, and

WHEREAS, the Zoning Board has approved a refund to the applicant,

NOW, THERFORE BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Chief Financial Officer is hereby authorized to refund the following amount To the applicant:

**Tom & Christine Santolini   Block 14.02 Lot 8                      \$ 653.19**

The Resolution was unanimously approved on motion by Rich, seconded by Molnar.

#### Presentation of Bills for Approval:

**RESOLUTION #164-2011-2011**

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$1,945,669.68 dated October 26, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Molnar motioned to approve the evening's bills for payment, seconded by Rich, and carried unanimously, although the Britton bills were held upon request of Mr. Rich.

Treasurer Report and Statement of Cash: Appropriations through October 26, 2011 were provided and reviewed. As of this date there is a cash total of \$4,827,583.73 between the operating and capital accounts.

**Tax Collector –**

**RESOLUTION #165-2011**

WHEREAS, Block 8, Lot 36 Q0060 is assessed to the Township of West Amwell; and,

WHEREAS, there exists a balance of \$369.26 for unpaid 2010 taxes; and

WHEREAS, this property should be exempt from taxes because it is owned by West Amwell Township

THEREFORE BE IT RESOLVED that \$369.26 be declared uncollectible

BE IT FURTHER RESOLVED that the Tax Collector be released from her duty to collect this \$369.26 for unpaid 2010 taxes

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

RESOLUTION #166-2011

WHEREAS, there was a Tax Stipulation of Settlement signed for Block 8, Lot 23.04 C0007 Kari Drive Associates LLC by the New Jersey Tax Court; and

WHEREAS, the amount of the decreased assessment creates a credit of \$263.98 for overpaid 2010 taxes; and

WHEREAS, L. Jeffrey Lewis, attorney for Kari Drive Associates LLC has requested that this amount of \$263.98 be refunded to his client

THEREFORE BE IT RESOLVED, that a check be sent to Kari Drive Associates, LLC in care of L. Jeffrey Lewis Esq. for refund of these taxes.

The Resolution was unanimously approved on motion by Molnar, seconded by Rich.

The monthly report for September 2011 was received showing receipts in the amount of \$113,338.81.

A tax sale for unpaid 2010 taxes was held on October 25, 2011. One property was reserved because of bankruptcy, and two liens were sold to an outside lien-holder at 18% interest.

**Construction** – The Permit Fee Log details, Monthly Activity Report-Permits (11), Payment Audit Report, Monthly Activity Report-Certificates (5), Certificate Log Detail and a Certificate Log Summary were received for PermitsNJ for September 2011.

**Court** – A report of the tickets issued per month by individual officers from January through September 2011 was received. Total tickets for the period were 837.

**Roads** – The August and September 2011 report of activities were received. Road repairs in the wake of Hurricane Irene comprised the majority of activities reported. Mowing and recycling/garbage runs were also noted.

**Zoning Officer Report** -- The September 2011 report of activities was received. Numerous phone calls, office meetings and interpretations were noted. Four permits were issued.

The reports were unanimously accepted as filed.

Mr. Rich stated that FEMA will not repair the generator. It was suggested that Texas Eastern be approached to either help fix or perhaps provide a new one as a public relations move. A self contained propane generator of the size needed would run approximately \$35,000. Mr. Rich will follow up.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 10:02 p.m. on motion from Molnar, seconded by Rich.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk