

1. 7:00 P.M. Revised East Amwell Planning Board Agenda - 10/16/23

Documents:

[OCTOBER 2023 AGENDA - GOOGLE DOCS.PDF](#)

2. 7:00 P.M. Back-Up Documentation - 10/16/23

Documents:

[23-09 STORMWATER MANAGEMENT.PDF](#)

[23-17 STORMWATER MANAGEMENT.PDF](#)

[2023-16 STORMWATER ORDINANCE.PDF](#)

[23-12 MINIMUM OFF-STREET PARKING REQUIREMENTS AND MINIMUM OFF-STREET LOADING REQUIREMENTS.PDF](#)

[CLIENT MEMORANDUM RE WAREHOUSES FROM PM.PDF](#)

[MEMO RE ORDINANCE REVIEW OF ELECTRIC VEHICLES.PDF](#)

**EAST AMWELL TOWNSHIP PLANNING BOARD**  
**MEETING AGENDA - Revised**  
**East Amwell Township Municipal Building**  
**1070 Route 202, Ringoes, NJ 08551**  
**October 16, 2023 @ 7:00pm**

- I. CALL TO ORDER**
- II. FLAG SALUTE**
- III. STATEMENT OF COMPLIANCE/ATTENDANCE**
- IV. REVIEW OF AGENDA**
- V. CITIZENS PRIVILEGE TO SPEAK ON ITEMS NOT ON THE AGENDA**
- VI. PRESENTATION OF MINUTES**
  - 1. September 18, 2023 Regular Meeting Minutes
  - 2. June 8, 2022 Regular Meeting Minutes – carry
  - 3. July 13, 2022 Regular Meeting Minutes – carry
  - 4. August 10, 2022 Regular Meeting Minutes – carry
  - 5. September 14, 2022 Regular Meeting Minutes – carry
  - 6. September 29, 2022 Special Meeting Minutes– carry
  - 7. October 12, 2022 Regular Meeting Minutes- carry
- VII. RESOLUTIONS FOR APPROVAL -**

2023-13 A Resolution of the East Amwell Township Planning Board Confirming Master Plan Consistency of Ordinance 2023-11
- VIII. NEW BUSINESS -**
  - 1. 23-09 Stormwater Ordinance for Master Plan compliance review
  - 2. 23-12 Minimum Off-Street Parking Requirements and Minimum Off-Street Loading Requirements for Master Plan compliance review
    - a. Client Memorandum provided by Attorney Alexis Smith
  - 3. 23-16 Stormwater Ordinance for Master Plan compliance review
  - 4. 23-17 Land Management Ordinance for Master Plan Compliance review

**OPEN TO PUBLIC**

**IX. UNFINISHED BUSINESS**

- 1. Subcommittee Reports-
  - A. Review of dark sky ordinance standards

**OPEN TO THE PUBLIC**

B. Review of Historical Preservation Committee

**OPEN TO THE PUBLIC**

C. Review of remaining items on the Master Plan Priorities List

**OPEN TO THE PUBLIC**

**X. ITEMS FOR DISCUSSION**

1. Invoices

**XI. ORAL REPORTS**

1. FOSPC- Mike Mills
2. ENVIRONMENTAL COMMISSION - Marnie Stetson
3. AGRICULTURAL ADVISORY COMMITTEE - Mike Mills
4. HISTORIC PRESERVATION COMMITTEE - Richard Catenacci
5. TOWNSHIP COMMITTEE
6. PB SECRETARY
7. PB CHAIR

**XII. OPEN TO THE PUBLIC**

**XIII. CORRESPONDENCE**

Attorney Alexis Smith's September 19, 2023 Memo

**XIV. ADJOURN**

**TOWNSHIP OF EAST AMWELL  
ORDINANCE NO. 23-09**

**AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, ENTITLED “STORMWATER MANAGEMENT”**

**WHEREAS**, in recent years, stormwater management has come to the forefront as a result of more numerous and severe flooding events throughout New Jersey; and

**WHEREAS**, the Township of East Amwell (the “Township”) has prioritized stormwater management concerns during review of development applications and all other Township decisionmaking; and

**WHEREAS**, the Township Committee of the Township of East Amwell (“Township Committee”) seeks to expand the scope of development subject to stormwater management review by the Township Engineer; and

**WHEREAS**, the Township Committee also seeks to establish stormwater management application and review fees for all major and minor developments; and

**WHEREAS**, the Township Committee finds that the following amendments are in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey as follows:

**(Adjustments and new language are underlined thus and deletions are indicated with strikethroughs ~~thus~~)**

**Section 1.** Chapter 122 “Stormwater Management”, Section 122-1 “Scope and Purpose” is hereby amended and supplemented to read as follows:

**[Subsection A remains unchanged].**

**B.** Purpose: establish minimum stormwater management requirements and controls for “major development;” and “minor development”, as defined below in § **122-2**.

**C.** Applicability.

**(1)** This chapter shall be applicable to building permits as covered by this chapter and all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

**(a)** Nonresidential major developments; and

**(b)** Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21. The provisions of both this chapter and

the RSIS are to be applied and reviewed concurrently for any residential major development.

(c) Any agricultural or horticultural development that meets the definition of “major development” under N.J.A.C. 7:8.

(2) This chapter shall also be applicable to all major developments undertaken by East Amwell Township.

(3) This chapter shall apply to all minor developments as defined in this chapter.

**[Subsection D remains unchanged].**

**E. Permit required.**

(1) All minor and major developments shall require an application to the Township Engineer for a Stormwater Permit.

(2) Application/Review Fees:

<u>Project Type</u>	<u>Application Fee</u>	<u>Review Fee</u>
<u>Minor development</u>	<u>\$150</u>	<u>\$250</u>
<u>Major development</u>	<u>\$150</u>	<u>\$1,000</u>

(3) In addition to the fees above, the engineer shall establish an inspection escrow amount upon approval of the permit.

**Section 2.** Chapter 122 “Stormwater Management”, Section 122-2 “Definitions” is hereby supplemented to include the following definitions:

**EXEMPT DEVELOPMENT**

Shall mean any development that creates less than 1,000 square feet of new impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of “minor development.”

**MINOR DEVELOPMENT**

Shall mean any development that results in the creation of 1,000 square feet or more of new impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of “major development” in N.J.A.C. 7:8.

**[All existing definitions remain unchanged].**

**Section 3.** Chapter 122 “Stormwater Management”, Section 122-3 “Design and performance standards for stormwater managemner measures” is hereby amended and supplemented to read as follows:

**[Subsection A remains unchanged].**

- B. The standards in this chapter apply only to new minor and major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules. (Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.)
- C. Exempt Developments. Any project meeting the definition of “exempt development” shall be exempt from the provisions of this section.
- D. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
  - (1) Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
  - (2) Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3”) inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 ½”) inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

**Section 5.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

**Section 6.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

INTRODUCED/PASSED ON FIRST READING:

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

PUBLISHED:

ADOPTED:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

**ATTEST:**

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

\_\_\_\_\_  
Jenna Casper-Bloom  
Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/ 31, Ringoes, NJ 08551.

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

TOWNSHIP OF EAST AMWELL  
ORDINANCE NO. 23-17

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ADDING SECTION 92-102 ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING REQUIREMENT” AND SECTION 92-103 ENTITLED “PROHIBITING ILLICIT CONNECTIONS TO STORM SEWER” OF CHAPTER 92 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, ENTITLED “LAND MANAGEMENT”

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey that the Municipal Code of the Township of East Amwell is hereby amended as follows: Adjustments and new language are underlined ~~thus~~ and deletions are indicated with strikethroughs ~~thus~~:

**§ 92-102. PRIVATE STORM DRAIN INLET RETROFITTING REQUIREMENT**

**§ 92-102.1. Purpose: An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of East Amwell so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.**

**§ 92-102.2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.**

**a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of East Amwell or other public body, and is designed and used for collecting and conveying stormwater.**

**b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.**

**c. Storm drain inlet - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.**



**d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.**

**§ 92-102.3. Prohibited Conduct: No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:**

**1. Already meets the design standard below to control passage of solid and floatable materials; or 2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.**

**§ 92-102.4. Design Standard: Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.**

**1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:**

**a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or**

**b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.**

**2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.**

**3. This standard does not apply:**

**a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;**

**b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following: i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or ii. A bar screen having a bar spacing of 0.5 inches.**

**c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or**

**d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.**

### **§ 92-103. PROHIBITING ILLICIT CONNECTIONS TO STORM SEWER**

**§ 92-103.1. Purpose: An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of East Amwell, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.**

**§ 92-103.2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.**

**a. Domestic sewage - waste and wastewater from humans or household operations.**

**b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of East Amwell, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.**

**c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).**

**d. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of**

East Amwell or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 92-103.3. Prohibited Conduct: No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of East Amwell any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 92-104. The balance of this Chapter shall remain unchanged.

§ 92-105. Enforcement. The provisions of this Article shall be enforced by the Police Department and/or other Municipal Officials of the Township of East Amwell.

§ 92-105.1. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000; and/or up to 90 days community service; and/or up to 90 days imprisonment.

§ 92-105.2. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**§ 92-105.3. Effective date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.**

INTRODUCED/PASSED ON FIRST READING:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

PUBLISHED:

ADOPTED:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

**ATTEST:**

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

\_\_\_\_\_  
Jenna Casper-Bloom  
Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/ 31, Ringoes, NJ 08551.

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

**TOWNSHIP OF EAST AMWELL  
ORDINANCE NO. 23-16**

**AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ADDING SECTIONS OF CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, ENTITLED “STORMWATER MANAGEMENT”**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey that the Municipal Code of the Township of East Amwell is hereby amended as follows: **Adjustments and new language are underlined thus** and deletions are indicated with strikethroughs ~~thus~~:

**§ 122-14. REGULATING SALT STORAGE ON PRIVATE PROPERTY**

**§ 122-14.1. Purpose: The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.**

**This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of East Amwell to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.**

**§ 122-14.2. Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.**

- A. **“De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.**
- B. **“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.**
- C. **“Storm drain inlet” means the point of entry into the storm sewer system.**
- D. **“Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).**

**A fabric frame structure is a permanent structure if it meets the following specifications:**

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  3. The structure shall be erected on an impermeable slab;
  4. The structure cannot be open sided; and
  5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. “Resident” means a person who resides on a residential property where de-icing material is stored.

**§ 122-14.3. Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### § 122-14.4. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 122-15. The balance of this Chapter shall remain unchanged.

**§ 122-16. Enforcement. The provisions of this Article shall be enforced by the Police Department and/or other Municipal Officials of the Township of East Amwell.**

**§ 122-16.1. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$2,000; and/or up to 90 days community service; and/or up to 90 days imprisonment.**

**§ 122-16.2. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.**

**§ 122-16.3. Effective date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.**

INTRODUCED/PASSED ON FIRST READING:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

PUBLISHED:

ADOPTED:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

ATTEST:

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

\_\_\_\_\_  
Jenna Casper-Bloom  
Mayor



**I HEREBY CERTIFY** that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/ 31, Ringoes, NJ 08551.

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Linda Giliberti, RMC  
Township Clerk

**TOWNSHIP OF EAST AMWELL  
ORDINANCE NO. 23-12**

**AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING CHAPTER 92 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, SECTION 98, ENTITLED “MINIMUM OFF-STREET PARKING REQUIREMENTS” AND SECTION 99, ENTITLED “MINIMUM OFF-STREET LOADING REQUIREMENTS**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey as follows:

**(Adjustments and new language are underlined thus and deletions are indicated with strikethroughs ~~thus~~)**

**Section 1.** Chapter 92, Section 98 “Minimum off-street parking requirements”, is hereby amended to read as follows:

Minimum off-street parking requirements shall be as follows:

<b>Use</b>	<b>Number of Parking Spaces</b> (GFA=gross floor area)
Antique shop	1 space/200 square feet GFA + one per employee
Assembly operations	1 space/800 square feet GFA
Auto sales	1 space/300 square feet showroom area and sales office
Bank sales office	1 space/250 square feet GFA
Bar	1 space/2 seats
Bed-and-breakfast	3 spaces for residents + 1/guest room
Car wash	10 spaces/washing lane
Doctor's/dentist's office in home	1 space/200 square feet GFA, but not less than 6 spaces
Dwelling unit	2 spaces
Farm	2 spaces
Farm machinery and supplies	1 space/5,000 square feet GFA
Farm stand	5 or 1 space/150 GFA, whichever is greater
Fast-food restaurant	1 space/3 seats + 1 space/40 square feet GFA of nonseating area
Feed grain	1 space/5,000 square feet gross yard and storage area
Fiduciary institutions	1 space/250 square feet GFA
Finishing operations	1 space/800 square feet GFA

<b>Use</b>	<b>Number of Parking Spaces</b>
Firehouse	25 spaces
Gymnasium	To be determined at site plan review
Home occupation	Minimum of 2 + 2/employee
Hospital	1.5 spaces/bed
House(s) of worship	
Religious assembly	2 spaces for every 5 seats or, where benches or pews are used, 1 space for each 66 lineal inches of bench or pew. Where standing room, kneeling and/or seating on the floor is to be used, there shall be 1 parking space provided for each 40 square feet of gross floor area used or intended to be used by members and/or guests, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
Meeting hall, social or similar places of assembly	2 spaces for every 5 seats or, for areas without seating, 1 space for every 40 square feet of floor area used for such assembly. These parking spaces shall be in addition to the parking required above only if there is substantial regular, concurrent use of the place(s) of assembly on the property.
Rectory, parsonage, convent, monastery or similar dwelling related to a house of worship	2 off-street spaces for a single-family dwelling or 1 space for every 3 beds in group sleeping quarters related to a house of worship.
Laboratory	1 space/1,000 square feet GFA
Library	1 space/300 square feet GFA
Manufacturing	1 space/800 square feet GFA
Medical clinic or medical office	1 space/150 square feet GFA; minimum of 10 spaces
Mortuary	10 spaces/viewing room and chapel; minimum of 30 spaces
Motel	1.1 spaces/unit
Neighborhood convenience center	Same as shopping center
Offices	1 space/300 square feet GFA
Park	As approved on site plan
Pool (community)	1 space/25 square feet of water surface area
Research	1 space/1,000 square feet GFA
Restaurant	1 space/3 seats
Retail store for merchandise and services	1 space/150 square feet GFA

<b>Use</b>	<b>Number of Parking Spaces</b>
School:	
Elementary	2 spaces/classroom, but not less than 1/teacher and staff
Intermediate	1.5 spaces/classroom, but not less than 1/teacher and staff
Secondary	2.5 spaces/classroom, but not less than 2/teachers and staff
Service station	4 spaces/bay and work area
Shopping center*	5.5 spaces/1,000 square feet GFA
Swimming pool	1 space/25 square feet water surface area
Tennis courts	3 spaces/court
Truck sales	1 space/300 square feet showroom area and sales office
Utilities	1 space
Veterinarian hospital	6 spaces/examining room or doctor, whichever is greater
<del>Warehouse</del>	<del>1 space/5,000 square feet GFA</del>

NOTES:

\* A maximum of 20% of the GFA can be office use without additional parking for the office use. Office use above 20% shall require parking at the appropriate scale.

**Section 2.** Chapter 92, Section 99 “Minimum off-street loading requirements”, is hereby amended to read as follows:

Minimum off-street loading requirements shall be as follows:

	<b>Gross Floor Area in Square Feet</b>			
	<b>Minimum Number Spaces</b>	<b>At Which First Berth is Required*</b>	<b>At Which Second Berth is Required*</b>	<b>Amount of Square Feet For Each Additional Berth</b>
Assembly	1	5,000	40,000	30,000
Auto sales	1	10,000	40,000	40,000
Bank	0	10,000	100,000	100,000
Bar	1	10,000	25,000	20,000
Car wash	0	10,000	100,000	100,000
Doctor's/ dentist's office in home	0	10,000	N.A.	N.A.
Dwelling unit	0	----None Required---		
Farm	0	----None Required---		

**Gross Floor Area in Square Feet**

	<b>Minimum Number Spaces</b>	<b>At Which First Berth is Required*</b>	<b>At Which Second Berth is Required*</b>	<b>Amount of Square Feet For Each Additional Berth</b>
Farm machinery and supplies	1	10,000	40,000	40,000
Farm stand	0	----None Required---		
Fast-food restaurant	1	10,000	25,000	20,000
Feed grain	1	10,000	40,000	30,000
Fiduciary institution	0	10,000	100,000	100,000
Finishing operator	1	5,000	40,000	30,000
Firehouse	0	----None Required---		
Gymnasium	0	----None Required---		
Home occupation	0	----None Required---		
Hospital	1	10,000	100,000	100,000
House of worship	0	----None Required----		
Laboratory	1	5,000	40,000	40,000
Library	0	----None Required---		
Manu- facturing	1	5,000	40,000	30,000
Medical clinic/ medical office	0	10,000	100,000	100,000
Mortuary	1	10,000	100,000	100,000
Motel	1	----None Required---		
Neighbor- hood conven- ience center	1	5,000	40,000	40,000
Nightclub	1	10,000	25,000	20,000
Offices	1	10,000	100,000	100,000
Park	0	----None Required---		

**Gross Floor Area in Square Feet**

	<b>Minimum Number Spaces</b>	<b>At Which First Berth is Required*</b>	<b>At Which Second Berth is Required*</b>	<b>Amount of Square Feet For Each Additional Berth</b>
Pool		10,000	100,000	100,000
Research	1	5,000	40,000	40,000
Restaurant	1	10,000	25,000	20,000
Retail store for merchan- dise/ service	1	10,000	20,000	20,000
School	1	N.A.	N.A.	N.A.
Service station	0	----None Required---		
Shopping center	1	10,000	40,000	40,000
Tennis courts	0	----None Required---		
Theater	0	----None Required---		
Truck sales	1	10,000	40,000	40,000
Utilities	0	10,000	100,000	100,000
Veterin- arian hospital	1	10,000	100,000	100,000
<b>Warehouse</b>	<b>1</b>	<b>5,000</b>	<b>40,000</b>	<b>30,000</b>

NOTES:

\* The minimum number of spaces shall prevail for uses that have not attained the gross floor area where the first space is required.

**Section 3.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

**Section 4.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

**Section 5.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

INTRODUCED/PASSED ON FIRST READING:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

PUBLISHED:

ADOPTED:

<b>ROLL CALL VOTE</b>				
<b>COMMITTEE MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DENDIS				
MILLS				
RAMSEY				
DI PIRRO				
CASPER-BLOOM				

**ATTEST:**

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk

\_\_\_\_\_  
Jenna Casper-Bloom  
Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/ 31, Ringoes, NJ 08551.

\_\_\_\_\_  
Linda Giliberti, RMC  
Township Clerk



## **Client Memorandum** *Via Email*

**Date:** October 6, 2023

**To:** Al Nardi, Chairperson, East Amwell Planning Board  
Marnie Stetson, Vice Chairperson, East Amwell Planning Board  
Members of the East Amwell Planning Board

**From:** Alexis C. Smith, Esq.

**cc:** Kristen Panos, Secretary, East Amwell Planning Board

**Re:** Review of Chapter 92 of the Township of East Amwell Code as it Relates to Warehousing and Other Similar Uses

---

### **Introduction**

The Planning Board held its regularly scheduled meeting on Monday, September 18, 2023. At this meeting, the Planning Board discussed potential options to prohibit warehouses, distribution centers, and other similar uses from the Township's Zoning Code. This memo summarizes my review of the Township's Zoning Code, Chapter 92, and provides recommendations for prohibiting these types of uses.

### **Findings**

Upon review of Chapter 92, "warehouses", "distribution centers", and "industrial centers" are not permitted in any zoning district.

Section 92-86, entitled "Prohibited uses," provides in relevant part, "All uses not *expressly permitted* in this chapter *are prohibited* including, for example, junkyards and mining." (emphasis added). Section 92-86 also applies to *all* zoning districts. The provision reads, "in this chapter," referring to Chapter 92, the Township's Zoning Code.

Warehousing and other similar uses are not permitted under the Township's Zoning Code since warehouse-type uses are not permitted in any zoning district, and the Township Zoning Code includes the catch-all provision that states all uses not permitted are prohibited.

Therefore, we do not recommend adding a definition for warehouse-types uses, as this definition will continuously evolve with technology, market demands, and industry standards.





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## Recommendations

In an abundance of caution, a few minor amendments can be made to best effectuate the Township’s intent to prohibit these types of uses:

### § 92-4 Definitions.

- Remove definition for “Industrial or Office Park.” This use is not permitted in any zoning district, and therefore, removal of the definition avoids potential confusion or misinterpretation.

### § 92-86 Prohibited Uses.

- Remove: “~~including, for example, junkyards and mining.~~” This will prevent an argument that the prohibition only applies to the listed uses.
- Split the paragraph into A and B. This will make clear that the language specific to the Amwell Valley Agricultural District only elaborates, rather than limits, the overall prohibition of non-permitted uses. The phrase, “In addition, without limiting the foregoing language[,]” also supports this conclusion.

## Potential Amendments

### **§ 92-86 Prohibited uses.**

[Amended 7-14-1994 by Ord. No. 94-10; 3-25-1999 by Ord. No. 99-06; 3-8-2001 by Ord. No. 01-02; 7-8-2021 by Ord. No. 21-16]

- A. All uses not expressly permitted in this chapter are prohibited, ~~including, for example, junkyards and mining.~~
- B. In addition, without limiting the foregoing language, uses not specifically permitted under § 92-91B of this chapter are not permitted in the Amwell Valley Agricultural District. In general, nonfarm uses and activities that generate large amounts of traffic or noise, require substantial parking, or could impose a threat to agricultural soils and water supplies are inconsistent with the purposes of the Amwell Valley Agricultural District and are not permitted in it. Additionally the following uses shall be expressly prohibited: photoprocessing, dry cleaning, printing, furniture stripping and refinishing, auto painting and any other use and/or manufacturing involving the discharge of industrial wastes as defined in 33 USCA 1251 et seq., and all classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.

### **§ 92-4 Terms defined.**

- B. For purposes of this chapter, phrases and words are defined as follows:

#### **INDUSTRIAL OR OFFICE PARK**

A tract comprehensively planned for industrial or office uses whether or not the buildings are erected in one development stage or over a period of time, but where the streets, utilities and lots are approved and constructed or guaranteed for the entire tract prior to construction of any portion of any building on the tract. As development takes place,



# PARKER McCAY

changes may be made in the plans for the undeveloped section(s), provided that the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities. Parks with no subdivided lots shall have buildings spaced so the mortgage and/or lease lines conform to the requirements for lot lines to establish conformance with this chapter for such matters as building setbacks, buffers, driveway locations and distances between buildings.

## **Conclusion**

As currently written, the Township's Zoning Code does not permit warehouse-type uses in any zoning district. To alleviate any potential confusion, a few minor changes to Chapter 92 may help clarify the Township's intent to prohibit such uses within its borders.

Please do not hesitate to contact my office should the Planning Board have any questions.

4862-2306-5477, v. 2



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F: (856) 489-6980  
asmith@parkermccay.com

Our File No. 30695-1

September 19, 2023

**VIA EMAIL**

Mayor Jenna Casper-Bloom and  
Members of the Township Committee  
1070 Route 202/31  
Ringoos, New Jersey 08551

**Re: Township of East Amwell Planning Board  
Ordinance Reviewed for Master Plan Consistency**

Dear Mayor and Members of the Township Committee:

On September 18, 2023 the Township of East Amwell Planning Board reviewed the following Ordinance for Master Plan consistency:

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES PURSUANT TO P.L. 2021, C. 171

The Planning Board considered the Ordinance, and determined that it is consistent with the Master Plan, and will effectuate recommendations from the 2023 Master Plan Reexamination Report. The Planning Board recommends that Township Committee add language to express that this Ordinance is not intended to encourage large development, but rather to comply with P.L. 2021, c. 171, effectuate recommendations from the 2023 Master Plan Reexamination Report, and encourage sustainability through electrical vehicle adoption. The Board will be adopting a formal memorializing resolution at their next meeting on October 16, 2023.

If you have any questions or comments please feel free to contact me.

Respectfully submitted,

*s/ Alexis C. Smith*

Alexis C. Smith

cc: *via email:*

Franklin Whittlesey, Esquire, Township Solicitor  
Al Nardi, Chairman, Township Planning Board  
Kristen Panos, Secretary, Township Planning Board

4875-4720-5248, v. 1

**COUNSEL WHEN IT MATTERS.<sup>SM</sup>**

Mount Laurel, New Jersey | Hamilton, New Jersey | Camden, New Jersey