

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
October 20, 2009**

The West Amwell Township Planning Board meeting was called to order at 7:30 PM by Chairman Pfeiffer followed by the salute to the flag.

Chairman Pfeiffer welcomed the Board's newest member, Lonnie Baldino. He commented that Mr. Baldino is the Township's Zoning Officer and will be serving as a Class II Member of the Planning Board. It was noted that the Oath of Office was administered prior to the start of this evening's meeting.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Pfeiffer: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 29, 2009. Notice has been posted on the bulletin board at Town Hall on October 15, 2009, and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Board was read into the record by Chairman Pfeiffer: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Planning Board.

**Attendance – Roll Call**

**Present:** Bill Corboy  
Lonnie Baldino  
Alex Greenwood (*arrived at 7:51 PM*)  
Tom Molnar  
Sean Pfeiffer – Chairman  
Ron Shapella  
Chester Urbanski  
Joan Van der Veen  
David English – Alt. #1  
Rich Storcella – Alt. #2  
Attorney Shurts  
Engineer Clerico  
Planner Hintz

**Absent:** John Haug

## **Approval of Bill List**

A motion by Van der Veen, seconded by Urbanski to approve the vouchers for payment as listed on the 10/20/09 bill list was unanimously approved by roll call vote.

## **Resolutions of Approval**

There were no resolutions listed on the agenda for approval.

## **Applications**

### **Discussion – Request for Waivers – Lucarini Minor Subdivision – B:32 L:4**

Present for the discussion was property owner Adam Lucarini. Engineer Clerico explained that there are 4 checklist items that need to be addressed:

**Item 14:** Written verification on assignment of proposed lot numbers from the Township Tax Assessor must be obtained and provided to the Board. Mr. Lucarini indicated he has contacted the Assessor several times and Mr. Gill is not getting back to him with verification. Mr. Lucarini noted however, that the proposed lot numbers being used are the same lot numbers that were used four years ago when this property was the subject of court proceedings. Attorney Shurts commented that the Board could grant a temporary waiver from this item until a response is provided by the Township Tax Assessor. It was the consensus of the Board to do so.

**Item 22 and 33 (Wetlands and Woodlands):** Engineer Clerico explained that Mr. Lucarini has provided wetland delineation and a Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) that defines only the wetlands on proposed Lot 4.02. Additionally the applicant has defined the intended limits of disturbance for the proposed driveway, dwelling and septic construction on proposed Lot 4.02 and has obtained the required permits from NJDEP for the intended disturbance. Engineer Clerico noted however, that Mr. Lucarini has not delineated wetlands on the remaining lands of Lot 4, nor has he obtained an LOI. Engineer Clerico explained that because of this omitted information, the applicant is unable to calculate the minimum buildable area requirement for this lot and is seeking a waiver.

Engineer Clerico clarified that there was an older LOI that addressed the entire parcel of land, but the most recent LOI only addresses the proposed Lot 4.02 which now shows more extensive wetlands and does not include the remaining lands. It was noted that this remaining land parcel currently has an existing dwelling and barn on it with a separate driveway access to County Route 518.

Engineer Clerico explained that Mr. Lucarini is requesting a waiver from identifying the woodland areas on both proposed Lot 4.02 and the remaining land of Lot 4. It was noted that there are significant wooded areas running along the southerly border of proposed Lot 4.02.

**Item 30:** Engineer Clerico commented that Mr. Lucarini has obtained septic testing on the proposed Lot 4.02 but has not provided testing for the reserve septic area on the remaining land of Lot 4 nor has he provided any documentation as to the function of the existing septic system on the property. It was noted that the issue is not within the jurisdiction of the Planning Board and Mr. Lucarini would need to seek a waiver from the Township Board of Health.

Chairman Pfeiffer asked Engineer Clerico how the Board has dealt with these types of requested waivers in the past. He responded that in most cases the applicant has restricted development of the remaining land parcel and cited the Kaluzny and Machinga applications as good examples. Engineer Clerico indicated he could not recall a case where the waiver was granted on a lot that would be subject to further subdivision. Planner Hintz had no comment on any of the issues raised.

Mr. Lucarini stated that Lot 4 is a 14 acre parcel that contains the home he lives in. He indicated there were horses and pastures on the property and said he does not plan on subdividing the lot any further. He commented that he didn't know how it could be further subdivided due to the current land restrictions and the frontage. Chairman Pfeiffer asked Mr. Lucarini if he was indicating that he will not further subdivide this lot in the future. Mr. Lucarini agreed that he would deed restrict the land from further subdivision. Engineer Clerico clarified with Mr. Lucarini that he understood that agreeing to deed restrict the land would likely be a condition of approval when the subdivision application is heard. Mr. Lucarini stated he had no problem deed restricting the land. Engineer Clerico remarked that this stipulation is tied into the woodland issue as well. He explained that there are most likely wetlands in the woodland areas and a typical solution is to impose a conservation easement on the wooded areas to eliminate any potential subsequent disturbance issues. Mr. Lucarini stated he would agree to place a conservation easement along the 150' rear setback of the remaining lands of Lot 4. Engineer Clerico commented that he would also like to see a conservation easement imposed on proposed Lot 4.02 where the woodlands are shown running along the rear of the property. Mr. Lucarini indicated that he would provide the conservation easement if that was what the Board was requesting.

Mr. Lucarini commented on the reserve septic area waiver stating that at the time his Engineer Bayer Reese came out to do the soil testing on proposed Lot 4.02 several years ago, there was no requirement to have testing done for a reserve septic area on the remaining parcel, and to ask him to do so now would be a financial hardship. Chairman Pfeiffer noted the Planning Board did not have jurisdiction to grant a waiver on this issue. He added that the only thing the Board could do is agree to hear the application and make the reserve septic area a condition of approval.

Chairman Pfeiffer summarized the Board's thoughts, indicating a temporary waiver will be granted from checklist item #14, a waiver will be granted from checklist items #22 and #33 for the wetlands and woodlands and a temporary waiver from checklist item #30 for the purpose of completeness. Additionally he noted that the applicant agreed to deed restrict the lands remaining on Lot 4 from further subdivision and to impose a conservation easement on the wooded areas of both Lot 4 and proposed Lot 4.02. Engineer Clerico added that the applicant should be aware that in order for the Board to consider the minor subdivision, the Board will need input from either the County or Township Board of Health as to the suitability of the soil testing. Chairman Pfeiffer clarified for Mr. Lucarini that even if the Board grants the requested waivers for completeness, he will still have to obtain documentation from the County and/or Township Board of Health.

Mr. Corboy asked Mr. Lucarini if he submitted a septic design to the County for the proposed new Lot 4.02. Mr. Lucarini indicated he did not submit a septic design, and stated he only did testing since he did not plan on building a home on the site at this time. He commented that he has three children and

thought that one of them may wish to build a home there at some point in the future. Mr. Lucarini explained that this property was in litigation for years and a Judge ruled that it had to be subdivided. He indicated the Court appointed an Attorney to begin the subdivision process and then an agreement was reached where the land was turned over to Mr. Lucarini. He stated he is simply following the Judge's original request to have the property subdivided.

A motion by Urbanski, seconded by Shapella to grant the waivers as outlined above with the noted conditions was approved by roll call vote with Mr. Greenwood abstaining.

It was noted that the public hearing for this matter will be scheduled for the Board's 11/17/09 agenda. Chairman Pfeiffer asked Mr. Lucarini to contact Ms. Andrews prior to the meeting to confirm whether or not he is ready to proceed since there are other business matters pending that will also need to be scheduled. Attorney Shurts commented the meeting conflicts with the League of Municipalities Convention and asked if the Board will have a quorum. Engineer Clerico indicated he will not be able to make the Board's 11/17/09 meeting but will send a representative from his office. Engineer Clerico reminded Mr. Lucarini that there is an ordinance requirement that states he will need to provide additional detail for the driveway design including: Plan and profile and specific stormwater conveyance associated with the two culverts. Chairman Pfeiffer noted this is something Mr. Lucarini will need to address at the public hearing.

### **Unfinished Business**

#### **Status of Plan Endorsement**

Chairman Pfeiffer commented that he had spoken to Engineer Clerico and Planner Hintz prior to the meeting regarding this matter and he drafted a letter in response to the Office of Smart Growth (OSG) September 2009 draft action plan for the Board's consideration. Chairman Pfeiffer explained that the letter outlines what has been previously discussed and how the Action Plan and Memorandum of Understanding should be modified in accordance with those discussions.

A motion by Urbanski, seconded by Shapella recommending the letter of response be forwarded to the Township Committee for the Mayor to sign and send to OSG was unanimously approved by roll call vote.

Engineer Clerico was excused from the meeting at this time, 8:20 PM.

#### **Discussion – Draft Master Plan Reexamination Report**

Chairman Pfeiffer noted that the draft reexamination report was composed by a Subcommittee consisting of Ron Shapella, John Haug, Joan Van der Veen and himself. Planner Hintz had looked over the document and provided comments for the Board to consider.

The Board reviewed the report page by page.

Mr. Storcella asked whether or not the Board was going to continue their review of limiting the size of accessory structures. Chairman Pfeiffer commented that Mr. Shapella had informed the Board last

month that there was not a lot of case law on this matter. It was noted that this issue needs to be part of a larger review for all impervious coverage and setback standards.

It was noted that any additional revisions or suggestions should be forwarded to Ms. Andrews by 5:00 PM on 10/30/09 in order for a final draft to be completed and sent to Planner Hintz for his review. It was the consensus of the Board to hold a public hearing on this matter at their 11/17/09 meeting in order to give the public an opportunity to provide input. Attorney Shurts commented that the Board was not required to hold a public hearing on this matter. He said the Board is only obligated to adopt a Master Plan Reexamination Report by Resolution and then notice the memorialization of the Resolution. The Board indicated their desire to make the entire process open to the public. Ms. Andrews will notice the public hearing accordingly.

#### **Final Site Plan Application/Checklist – Review of Environmental Impact Statement Checklist from Planner Hintz – Input from Environmental Commission**

Ms. Van der Veen said that the Environmental Commission had reviewed this and they thought it would be nice if the Environmental Impact Statement items became part of the overall checklist. Chairman Pfeiffer suggested the Environmental Commission mark up the universal checklist Engineer Clerico has been working on and provide the Board with a new suggested checklist incorporating the Environmental Impact Statement items for discussion at next month's meeting.

#### **New Business**

##### **Discussion – 2010 Planning Board Budget**

It was noted that the Board skipped to this item on the agenda so that Attorney Shurts and Planner Hintz could take part in the discussion. Chairman Pfeiffer asked Planner Hintz to submit an estimated cost for all of the outstanding 2009 Planning projects as well as an estimate for the 2010 budget. Chairman Pfeiffer also asked Attorney Shurts to make sure his billing was brought current.

Prior to Attorney Shurts and Planner Hintz leaving the meeting, Chairman Pfeiffer commented that the Board will be reviewing the Farmland Preservation Plan submitted by Linda Weber. It was noted that Ms. Weber had spoken to Steven Bruder from the State Agriculture Development Commission (SADC) who had indicated he would like to be able to complete their staff review quickly so the Board can adopt this plan at their November meeting and then SADC can approve it at their December meeting.

Attorney Shurts and Planner Hintz were excused from the meeting at this time, 9:58 PM.

##### **Discussion – Master Plan Amendment Update: Farmland Preservation Plan**

Chairman Pfeiffer commented that he wanted to get input from the Board this evening on the revised Farmland Preservation Plan and then he wanted to set up a meeting with Ms. Weber, Mr. Urbanski (*as Chair of the Agricultural Advisory Committee*) and himself to review all of the comments so that Ms. Weber can have a final draft prepared for the SADC.

The Board reviewed the Farmland Preservation Plan page by page.

There was some extended discussion on establishing an appropriate definition for sustainable farming. Chairman Pfeiffer asked Mr. Urbanski to get a definition to him within the next few days. Mr. Urbanski indicated he would work with Mr. Shapella on this matter.

It was noted that Chairman Pfeiffer will set up a meeting with Ms. Weber and Mr. Urbanski to discuss the revisions. Once a final draft has been completed Ms. Andrews will distribute copies to the Board and Ms. Weber will simultaneously send the Plan to SADC for their review. It is anticipated that a public hearing on this matter will be held in November.

### **Back to New Business**

#### **Recreation and Open Space Inventory Update**

Chairman Pfeiffer commented that the Township has been awarded another \$150,000.00 in Green Acres funding. He indicated a Recreation and Open Space Inventory (ROSI) Update needs to be done because there has been a change since the last ROSI was approved. Chairman Pfeiffer explained that the Board needs to authorize that he can sign off on the document as Chair of the Planning Board.

A motion by Shapella, seconded by Urbanski to authorize Chairman Pfeiffer to sign off on the ROSI was unanimously approved by roll call vote.

#### **Discussion – Mandatory Training**

It was noted that Board Members Storcella, Baldino and English need to complete the mandatory training classes. Ms. Andrews will provide class information as it becomes available.

#### **Correspondence – Other**

Chairman Pfeiffer commented that he expressed his concerns to the Township Committee regarding the security issue over the key to access the bulletin board being in an area accessible to the public. He noted it was the consensus of the Township Committee to have the Clerk put the key in a more secure spot. Additionally the Clerk's Office will now be responsible for posting all Planning Board agendas.

Mr. Urbanski left the meeting at this time, 10:41 PM.

#### **Approval of Minutes**

The Board reviewed the minutes from their 9/15/09 meeting and the following revisions were noted:

Page 4, Paragraph 1: *Mr. Lucarini continued **his rant** about excessive bills...*

The words his rant will be changed to to complain.

Page 8, Paragraph 1: *Chairman Pfeiffer **clarified** that the Township's...*

The word clarified will be changed to asked for clarification.

#### **Adjournment**

A motion by Shapella, seconded by Greenwood to adjourn was unanimously approved.

The meeting adjourned at 10:45 PM.

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Maria Andrews, Planning Board Secretary