

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
November 17, 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.

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 November 12, 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
John Haug
Tom Molnar
Sean Pfeiffer – Chairman
Ron Shapella
Chester Urbanski
Joan Van der Veen
David English – Alt. #1
Rich Storcella – Alt. #2
Attorney Shurts
Planner Elizabeth McManus (*Filling in for regular Board Planner Hintz*)

Absent: No one

Approval of Bill List

A motion by Van der Veen, seconded by Urbanski to approve the vouchers for payment as listed on the 11/17/09 bill list was unanimously approved by roll call vote with the exception of the \$400.00 bill

from Heritage Consulting Engineers, Inc. The Planning Board is being asked to cover this bill due to a deficient escrow on behalf of Heritage Builders from October of 2008. It was noted that Ms. Andrews will confirm whether or not this bill resulted from work done after the previous Planning Board Secretary had notified the professionals to cease work until the escrow was replenished. This voucher will be placed on the Board's 12/15/09 bill list.

Public Hearings

Chairman Pfeiffer announced that the Lucarini public hearing for Minor Subdivision approval will not be heard this evening due to noticing deficiencies.

Public Hearing: Master Plan Reexamination Report

Chairman Pfeiffer noted this is the second public hearing this year on this matter. Attorney Shurts explained the Planning Board is required to conduct a reexamination of its Master Plan every 6 years. He noted that if a reexamination is not conducted, it creates a presumption that there is no zoning which is a position the Township does not want to be in.

Planner McManus commented that their office had reviewed the reexamination report and that all of their comments had been incorporated into the revised draft report being discussed this evening.

Chairman Pfeiffer opened the floor to public comment. Hal Shute of 248 Rocktown-Lambertville Road came forward and questioned the Board's procedure. He asked what the date of the last Master Plan Reexamination was. Attorney Shurts explained that there was a reexamination which began in 2003 and was completed in 2004. He recalled the Board technically has until March or April of 2010 to actually complete this latest reexamination and stated that the Board wished to get it done this year. Chairman Pfeiffer clarified that the Master Plan was adopted in October 2003 and the Reexamination Report was adopted in the first half of 2004.

Mr. Shute then commented on the green buildings and environmental sustainability element of the Master Plan Reexamination Report asking if it was coming from the Environmental Commission. Ms. Van der Veen explained this section was developed from the Sustainable Jersey movement from the State of New Jersey. She commented it was developed to help Townships and municipalities put some type of sustainable element into their Master Plans. Planner McManus added that Sustainable Jersey is a government agency created with the support of the Government. She explained it grew out of various centers of Rutgers University to help municipalities create goals and objectives toward becoming more sustainable. Mr. Shute commented that he had a problem with this. He said the Township has been making mistakes recently by jumping at the latest initiatives to be early adopters of things and then it becomes a fiasco requiring much more effort than what was originally anticipated. He suggested the Board take a "wait and see" approach rather than trying to be first. Planner McManus commented that the following Townships have already adopted a sustainable element in their Master Plans: Millville in Cumberland County, Highland Park and West Windsor. She added that Lawrence Township in Mercer County and Hamilton Township and Pittsgrove are all proposing to create a sustainable element. Mr. Shute asked what the Township gets out of creating the element. Planner McManus explained it allows the Township to lay the framework for moving toward

more sustainable land use and community policies in a single document. She noted that the Township has the option to implement sustainable concepts through other elements of the Master Plan such as the Conservation Element, Open Space and Recreation Element or the Land Use Element. Or it can all be placed in one comprehensive document that discusses environmental and sustainability issues resulting in a type of roadmap for the Township to bring all of its policies more in line with the principles of environmentalism and sustainability.

Mr. Shute made a final comment that he did not believe it was within the Planning Board's purview to be setting these types of standards and indicated he would like to see how other Township's make out with this concept first.

Betty Jane Hunt of 236 Rocktown-Lambertville Road came forward and commented on the Transfer of Development Rights (TDR) mentioned in the draft Master Plan Reexamination report on page 3. She questioned whether or not the Office of Smart Growth (OSG) had really made the referenced comments. Chairman Pfeiffer replied that the matter was discussed at an October 2006 meeting with OSG and he indicated there is related correspondence from previous Board Planner Mercantante confirming the TDR comments made by Joe Donald of OSG.

Chairman Pfeiffer thanked the Planning Board volunteers who helped work on the draft Master Plan Reexamination Report. He indicated that their work will save the Board approximately \$4300.00 in the Planner's budget.

Chairman Pfeiffer polled the Board members for final comments on the Master Plan Reexamination report. The following comments were made:

Tom Molnar – No additional comments.

Lonnie Baldino – No additional comments.

Joan Van der Veen – Made grammatical suggestions on pages 6, 8 and 9.

Alex Greenwood – Made minor comments regarding the Historic Preservation Element.

Bill Corboy – No additional comments.

David English – No additional comments.

Chester Urbanski – No additional comments.

John Haug – No additional comments.

Ron Shapella – Made a general comment that he believes the report to be an excellent document.

Chairman Pfeiffer opened the floor to any additional public comment. No one came forward. A motion by Urbanski, seconded by Haug to close to the public was unanimously approved by roll call vote.

A motion by Urbanski, seconded by Shapella to adopt the Master Plan Reexamination report with the minor revisions noted was unanimously approved by roll call vote.

Applications

Discussion- Request for Waiver Regarding the Requirement to Provide Documentation of Location of All Wells and Septics on the Adjoining Properties: Kaluzny – B:19 L:11

Chairman Pfeiffer read a portion of Engineer Clerico's letter dated 11/13/09 regarding item #31 on the checklist: "The applicant is seeking a waiver from the Board from providing accurate documentation of the location of all adjoining wells and septics surrounding this property. Since the Board of Health is not requiring any additional testing of the remaining land parcel or reserve testing on the proposed lot 11.03 at this time there would be no need to document the adjoining wells as part of this application. Accordingly the Engineer recommends the Board grant the requested waiver." Chairman Pfeiffer explained that the applicant previously agreed to deed restrict the remaining lands of the subdivision with the exception of a single floating exception area for a possible future home site. He said essentially the applicant is requesting the waiver because they have no intention of developing the land right now, but possibly sometime in the future.

A motion by Haug, seconded by Corboy to grant the waiver from checklist item #31 was unanimously approved by roll call vote.

Unfinished Business

Status of Plan Endorsement

Chairman Pfeiffer noted that no additional information has been received from OSG.

Discussion – Master Plan Reexamination: Status of Review by Board Members

Chairman Pfeiffer indicated this matter was left on the agenda because the individual subcommittees are working on their independent reviews of each of the various sections in the Master Plan. There was no comment from any Board Members. Chairman Pfeiffer encouraged everyone to continue their reviews.

Discussion – Master Plan Amendment Update: Farmland Preservation Plan

Chairman Pfeiffer noted Special Planner Linda Weber had submitted the revised plan to the State last month. He indicated no comments have been received back. Once the Board hears back from the State a public hearing will be scheduled to formally adopt the Farmland Preservation Plan as an updated element of the Master Plan.

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

Mr. Shapella explained the Environmental Commission has reviewed the checklist. He noted they compiled a list of items that should be included in the Environmental Impact Statement (EIS) for major site plan review and major subdivisions. Chairman Pfeiffer added that Engineer Clerico was working on crafting a single checklist for all applications and the EIS is to be incorporated into the checklist in order to try and streamline the completeness review for applications.

Planner McManus commented that she had reviewed the list and it appears all of the items included are applicable to the EIS.

Mr. Urbanski commented on Chapter 109-144 regarding the Stream Corridor and Woodlands. He noted that the Environmental Commission wanted to add Chapters 109-142, 143, 144 and 145. He

explained the oversight was that Chapter 109-144 is not as inclusive as was intended. Chairman Pfeiffer noted Engineer Clerico will need to adjust the checklist to reflect this change.

Ms. Van der Veen commented on some formatting issues within the EIS in order to keep it consistent with the checklist. Chairman Pfeiffer asked Ms. Van der Veen to make the changes and send the document to Ms. Andrews and Engineer Clerico for final revision.

New Business

Discussion – 2010 Planning Board Budget

Planner McManus commented that the estimated cost for the outstanding Planning issues to be addressed in 2010 is approximately \$17,500 - \$20,000. She noted that the Board is able to budget for the Master Plan as part of the Township's capital improvement plan which allows for the money to be spent over the course of five years rather than having to put all of the money out in one year. Planner McManus said she will submit a proposal showing a breakdown of the anticipated costs for 2010. It was the consensus of the Board to include the amount of \$17,500 in Master Plan budget for 2010.

Mr. Urbanski asked what work is included in the \$17,500. Planner McManus noted the following items:

Updating the Conservation Plan

Implementing documents for recommendations in the Conservation Plan

Updating stream corridor maps

Developing an inventory of scenic roads

Reviewing and updating road classifications and mileage

Updating ordinances such as the sign ordinance

Updating the Recreation and Open Space Inventory (ROSI)

Updating the Park Plan

Reviewing the historic property inventory and updating the map

Updating Township demographics

Working on the sustainability element

Chairman Pfeiffer commented that the ROSI has already been updated but indicated they will require assistance with the Geographic Information System (GIS) mapping. Attorney Shurts noted the Board may wish to prioritize updating the sign ordinance, specifically as it relates to billboards since this issue has become a nightmare in North Jersey. Planner McManus added that the Board may wish to include renewable energy facilities as a priority too because the legislature has determined that wind and solar facilities are now permitted uses in industrial districts on lots of 20 acres or greater regardless of what local ordinances say. She commented if this is viewed by the Township to be a good thing then it may not be a high priority, but if it is not something the Township is in favor of then it's important that the ordinance gets amended in order to provide appropriate standards to regulate wind and solar uses. It was noted that even though they are permitted, these facilities still require site plan approval and it's important to have setback buffers and other guidelines in place.

Chairman Pfeiffer noted the budget discussion will be placed on the Board's December agenda to be finalized.

Discussion/Approval – West Amwell Township Ordinance #27-2009 to Amend Chapter 109 Article IV Section 109-14: Fee Schedule of the Code of the Township of West Amwell

Zoning Officer Baldino commented that after reviewing the fee schedules for other Townships this amendment was created. He noted that there are two oversights: (1) The Council on Affordable Housing (COAH) apartments – the application fee is currently \$75.00 but since these are deed restricted type applications, there needs to be an additional \$250.00 escrow fee to cover the cost of recording the deed. (2) Mother/Daughter dwellings (*In-Law suites*) – these are permitted and typically receive approval from the Zoning Officer, but they are deed restricted as well. There was a recommendation for an additional \$250.00 escrow fee to cover the cost of recording the deed.

Chairman Pfeiffer asked if these changes are considered substantive which would require that the ordinance be re-introduced. Attorney Shurts suggested that the Board take action on the ordinance with the recommended additional fees and clarify that the Governing Body can make any necessary changes.

A motion by Baldino, seconded by Urbanski to find Ordinance #27-2009 consistent with the Master Plan and recommend it be forwarded to the Township Committee for adoption with the additional fee changes if agreed to by the Governing Body was approved by roll call vote with Molnar abstaining.

Discussion – Chapter 138

Zoning Officer Baldino explained that recently he has come across a few properties where large rocks are being removed and sold to landscapers. He commented that he does not govern soil disturbance or the enforcement of soil disturbance. He referred to Chapter 138 saying it directs you to Chapter 137 indicating the Construction Official can enforce this issue. Mr. Baldino remarked that the Construction Official does not believe he handles soils either.

Zoning Officer Baldino noted that he had spoken to Engineer Clerico about this matter and asked if Hunterdon County Soil Conservation was involved in these types of issues. It was noted that Chapter 138 specifically states that rocks cannot be removed from the SRPD Zone. In the other zones rocks can be moved within the specific zones. Zoning Officer Baldino noted what is occurring with the large rock removal is not permitted and asked how the Board would like to proceed with enforcement.

Chairman Pfeiffer asked Attorney Shurts if Chapter 138 was within the Planning Board's jurisdiction. He responded that he would have to research the matter further and get back to the Board. He indicated that he believes this is a land use issue which does not fall under the Planning Board's purview unless the Governing Body asks for the Planning Board's recommendation. It was noted that Attorney Shurts will review the code and get back to the Board with a determination.

Correspondence

Chairman Pfeiffer commented on an article in the NJ Planner Newsletter, (*Sept./Oct. 2009 edition*) which indicates there are only 35 municipalities certified by COAH in the third round which is only 6% of all of the municipalities in New Jersey. He remarked that the fact that West Amwell has received their COAH certification is one instance where it was good to be in the lead.

Chairman Pfeiffer excused Planner McManus and Attorney Shurts from the meeting at this time, 8:55 PM.

Chairman Pfeiffer commented on the correspondence Mr. Urbanski provided regarding the Agriculture Development Area (ADA). He indicated the Gulick farm will need to be included in the ADA. The process is for the Township Committee to send the Gulick's a letter asking for their consent, once a reply is received, the County Agricultural Development Board (CADB) must approve it and then the Township Committee needs to adopt a Resolution approving the additional lots.

Ms. Van der Veen informed the Board that a meeting regarding the Fisher "Water" Farm will be taking place at Delaware Township Municipal Building on Thursday 11/19/09 at 7:30 PM if anyone is interested in attending.

Approval of Minutes

The Board reviewed the minutes from their 10/20/09 meeting. The following revisions were noted:

Page 1, Paragraph 3: *This meeting was included in a list **of** meetings...*

The word of will be added.

Page 2, Paragraph 5: *Additionally the applicant has defined the intended limits of disturbance for the proposed driveway, dwelling and septic construction...*

A comma will be added after the word driveway.

Page 2, Paragraph 7: *Engineer Clerico explained **the** Mr. Lucarini is requesting...*

The word the will be changed to that.

Page 4, Paragraph 1: *...a waiver will be granted from checklist items #22 and **#23** for...*

Number 23 will be changed to #33.

Page 5, Paragraph 1: *...a letter in response to the Office of Smart Growth (OSG) **September 2009 draft action plan** for the Board's consideration.*

The words September 2009 draft action plan will be added.

Page 5, Paragraph 3: *Engineer Clerico **left** the meeting at this time, 8:20 PM.*

The word left will be changed to was excused from.

Page 6, Paragraph 3: *Attorney Shurts and Planner Hintz **left** the meeting at this time, 9:58PM.*

The word left will be changed to were excused from.

Page 6, Paragraph 4: *...revised Farmland **Preservation** Plan...*

The word Preservation will be added.

A motion by Shapella, seconded by Urbanski to approve the Board's 10/20/09 meeting minutes with the above noted revisions was approved by roll call vote with Haug abstaining.

Adjournment

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

The meeting adjourned at 9:09 PM.

Maria Andrews, Planning Board Secretary