

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
FEBRUARY 17, 2009**

The West Amwell Township Planning Board meeting was called to order at 7:33 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 is 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 February 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  
Tom Davis  
Alex Greenwood  
Tom Molnar  
Sean Pfeiffer – Chairman  
Ron Shapella  
Chester Urbanski  
Joan Van der Veen  
Alison Sommers-Sayre – Alt. #1  
Joan Smith – Alt. #2  
Attorney Shurts  
Planner Hintz

**Absent:** John Haug

**Approval of Minutes**

**Approval/Possible Release of Executive Session Minutes – Dec. 8, 2008**

These minutes were carried to approval at the Board's February meeting due to a question regarding who seconded a motion. Ms. Andrews checked with Ms. Griffiths who prepared the minutes and the change was made to reflect that Haug seconded the motion.

A motion by Davis, seconded by Shapella to approve and release the Executive Session minutes from 12/8/08 was approved by roll call vote. Attorney Shurts had indicated at the Board's 1/20/09 meeting that these minutes could be released upon approval.

**Approve Minutes – January 20, 2009**

The following corrections/changes were noted:

Page 1: *Allison Sommers-Sayre's* name **Alison** should be spelled with one l.

Page 2, Paragraph 6: *...this is a procedure that should be looked at...*the word is will be added.

Page 3, Paragraph 3: *The last motion states that Urbanski and Van der Veen made the motion to return to open session.* – This will be changed to read: **The last motion states that Van der Veen seconded the motion to return to open session.**

Page 3, Paragraph 5: *...to approve the 12/16/08 minutes **with corrections** was approved...*the words with corrections will be added for clarification.

Page 4, Paragraph 2: *...the Housing Element Adoption was in November so it may have been that it was just put it in one line.* The word it will be removed.

Page 5, Paragraph 5: *He said someone could easily pull the rebar out and then cut it **(the post)** off.* The words the post will be added in brackets for clarification. (Note: For the record, this sentence is a direct quote from Mr. Greenwood. The words *the post* were not stated on the tape. They were added at the suggestion of Board member Urbanski for clarification purposes only.

Page 6, Paragraph 1: *Mr. Urbanski questioned a map **on** the local area...*the word on will be changed to the word **of**.

Page 7, Paragraph 4: *Planner Grant agreed to do so.* This sentence will be changed to read: **Planner Grant's professional opinion was deemed appropriate assurance.**

Page 10, Paragraphs 3, 5 & 6: The *FISK Plan* will be referred to as the **Fisk** Plan (not capitalized).

Page 11, Paragraph 2: *Jessica Savage's* name will be changed to the proper spelling of Jessica **Savitch**.

Additionally, the two references to the word *drown* will be changed to **drowned**.

### **Approve/Possible Release of Executive Session Minutes – January 20, 2009**

The following corrections/changes were noted:

*Allison Sommers-Sayre's* name **Alison** should be spelled with one l.

A motion by Smith, seconded by Davis to approve the Executive Session minutes from 1/20/09 were approved with corrections by roll call vote. Attorney Shurts indicated these minutes could be released.

### **Approval of Bill List – February 17, 2009**

A motion by Shapella, seconded by Urbanski to approve the 2/17/09 bill list for payment was unanimously approved by roll call vote.

Chairman Pfeiffer reordered the agenda to accommodate the representatives from the Sourland Planning Council sitting in the audience.

### **Unfinished Business**

#### **Presentation: Sourland Planning Council Update by John Brunner**

Present for this presentation was Planner Frank Banisch, John Brunner and Andrea Bonette from the Sourland Planning Council and John Wagar of Conservation Resources.

Planner Banisch explained the purpose of the project is to get input from the various Townships comprising the Sourland Mountain area regarding the best way to approach open space preservation/conservation and land management. The three entities working on the project are Banisch Associates, Conservation Resources and the Stony Brook Millstone Watershed.

A slide presentation was shown, outlining the following areas of the Sourland Mountain Comprehensive Management Plan:

**Phase (I)** - will focus on the Natural Resource Inventory (NRI), Stewardship and Best Management Practices (BMP's) for the land.

**Phase (II)** - will be a draft of the plan submitted to each town containing a vision for the year 2020. Planner Banisch stated the purpose of the plan is to articulate what a vision in the future would look like, including recognition in the State Plan of a special resource designation for the Sourland Mountain area.

**Goals and Objectives** – include the balance and protection of natural resources, reduce loss of farmland, forests, wetlands and wildlife, identify environmentally sensitive areas and protect water resources.

The following website: [www.thewatershed.org/Sourlands](http://www.thewatershed.org/Sourlands) was referenced as the place to go to provide on-line input. The website contains an interactive map where people can add comments to various locations.

Planner Banisch noted that between 1995 and 2002 approximately 450 acres of farmland and forest land was lost and converted to urban lands consisting of residential and commercial uses. He commented that in comparison, the period between 1986 and 1995 had 2800 acres of farmland and over 1000 acres of forest land that was lost. He stated that the rate of loss has decreased substantially partly because of the extent of acquisition of easements and actual outright purchases but the major goal is still to maintain a vibrant agricultural economy where it belongs and to maintain the forest habitat areas.

Chairman Pfeiffer welcomed the Board's new Planner Carl Hintz and asked for his input on the Sourland Plan. Mr. Hintz indicated he thought the plan was great. He commented that he would like to review West Amwell Township's ordinances to see how they fit into the Sourland Mountain Planning Council's plan. Ms. Smith, Mr. Urbanski and Chairman Pfeiffer indicated they would like to receive hard copies of the plan. Planner Banisch stated he would provide Ms. Andrews with a few copies to be distributed. Andrea Bonette spoke up from the audience and noted that she would e-mail Ms. Andrews the link to the most recent draft of the Sourland Mountain Planning Council plan that she could then forward to the Board members.

Planner Banisch noted that the last time he came before the Board, someone had referenced a resolution that was adopted in 2004 that specifically made a reference to the fact that any regional planning group who was trying to have some influence in West Amwell, should be advisory only. He stated that some of the comments he heard that evening feared that the

Sourland Planning Council might have ambitions to control the Township's Master Plan. He indicated the Council has directed the effort to put all of the power into the municipality's hands. Chairman Pfeiffer commented that the most recent resolution was done in 2006 and it was clear that the Township did not want to give up their ability or power to do their own land use regulations. It was made clear that this was a collaborative process where the various Townships would be working together. Chairman Pfeiffer added that the resolution also stated the Township did not want to see any mandatory Transfer of Development Rights (TDR). He indicated that in November 2006 there was an amendment to the master plan of the map of the Sourland region to be consistent with the study area.

Mr. Shapella referred to the colored chart in Mr. Banisch's presentation depicting land use changes for 10 specified towns over various years, and asked if a chart like that would be prepared for the special resource area. Planner Banisch indicated that it would be a good idea to do so.

Ms. Van der Veen asked Planner Banisch if he would be available to provide input into the Master Plan reexamination. Planner Banisch appreciated the offer and indicated that if Chairman Pfeiffer thought it was a good idea, he would be happy to provide input.

Ms. Smith asked if the Board should be concerned with or if the Board should review all of the forest area in the Township. Planner Banisch stated biodiversity in the forest environment increases with the size of the contiguous closed canopy forest. He indicated one of the areas to focus on is reviewing places where existing land use patterns might lend to the creation of significant corridors which would negatively impact the Township.

Mr. Greenwood asked if other towns have ordinances controlling how much of a wooded area can be turned into a lawn. Planner Banisch referred to East Amwell Township's 30,000 square foot limit on forest clearing associated with constructing a dwelling. He also noted East Amwell's limitations on how far into the forest development can occur, referencing the 500 foot development area from the road right of way which confines the disturbance along the roadway and protects the forest portion as a large contiguous land mass. Mr. Shapella commented that West Amwell's woodlands ordinance is modeled after the County but there is nothing restricting construction to a buffer close to the road.

Mr. Urbanski asked a hypothetical question referring to a land owner who may have 12 acres of land and wants to cut down 5 acres of trees to put in a pasture. Planner Banisch suggested an agricultural management strategy where if someone says it's farming you will have right to farm questions about what the Township can say they can't do, but when a property owner is clearing forest for that purpose Planner Banisch believes there are strong arguments to impose limits on the extent of clearing that should be permitted.

Mr. Greenwood asked if there is a distinction between old grove woods and second grove areas that were once cleared and pastured. Planner Banisch indicated the inventory that defines the difference between those areas is what is really important to managing a strategy that hopes to maintain and improve habitat. Mr. Corboy commented that farmland assessment is a negative incentive to having agricultural land returned to wooded areas because property owners would probably lose their farmland assessment status. Planner Banisch indicated that if the land stayed as some sort of crop it is pretty clear that the property would maintain its farmland assessment. He noted a bill in the Senate that John Wagar began explaining as requiring income to be derived from the forest in order for a land owner to qualify for woodlands assessment according to the farmland assessment requirements. The bill proposes that a broader range of stewardship activities can qualify for that income.

Chairman Pfeiffer questioned the timing of the special resource designation. Planner Banisch indicated the designation should be in the next version of the State Plan currently being drafted. It was noted that Barry Abelman from the Office of Smart Growth (OSG) had indicated July of 2009. Chairman Pfeiffer indicated the Board has been dealing with Mr. Abelman on issues related to Cross Acceptance, State Planning Area designation and Plan Endorsement. He stated that OSG and the Department of Agriculture had pushed the Township to delay removing their sewer service area and requested that they look into doing a centers designation. Chairman Pfeiffer said we didn't really feel it was appropriate for West Amwell nor was it appropriate for the Township's State Planning Area designation since there are no public sewers in West Amwell. Planner Banisch indicated he was receiving funding for this project but had never received any marching orders like that from OSG or the Department of Agriculture. Chairman Pfeiffer was happy to hear that since the Township had turned down a grant from OSG for developing community design standards for highway commercial zones because OSG requested a center be identified.

Chairman Pfeiffer also discussed regional planning and COAH issues. He said one of the topics discussed with OSG was density transfer since 90% plus of the Township is in the Sourlands. OSG was asked if they could provide West Amwell with a receiving area in another municipality that would allow the Township to transfer growth there and protect their resources. Chairman Pfeiffer indicated the response received from Mr. Spinelli was that that option was not part of the application. Planner Hintz indicated that transferring development rights was not working, not even in the Highlands. Chairman Pfeiffer commented that local TDR's were really not an option, but regional TDR's may be something the Township would consider.

### **Resolution of Approval**

#### **PB2009-13: Gross/Boan – Block 13 Lots 4 & 5 – State Hwy. 179 – Boundary Line Adjustment/Variance Relief**

Attorney Shurts explained that he had forwarded a copy of the Resolution to the applicant, his Planner Randall Grant and the Board's Planner Bob Clerico. He stated he did not receive any comments from anyone. The following corrections/changes were noted:

The correct number of the Resolution should be PB2009-13, not PB2009-11

Page 3, Paragraph #10: *...Lots 4 and 5 are in NJDEP wetlands and near a C-1 waterway.* The sentence will be changed to read: **...Lots 4 and 5 are in NJDEP wetlands and are C-1 waterways.**

Page 4, Paragraph 1: *The applicant's willingness to place the entire area subdivided area within...* the extra word **area** will be removed.

A motion by Shapella, seconded by Smith to approve Resolution PB2009-13 with the noted corrections was approved by roll call vote. (Note: For the record, Bill Corboy was not present at the time of roll call and therefore abstained from the vote.)

Chairman Pfeiffer commented that the Board is still waiting to receive contracts from the Board's substitute Engineer Robert Lorentz and the Hydrogeologist Matt Mulhall. Ms. Andrews indicated they have not responded to her numerous requests and she will continue to follow up with them.

#### **Discussion: Interpretation of Resolution of Approval – Block 8 Lot 23.04**

Attorney Shurts explained that the Board had received correspondence from Attorney Bisogno regarding the previous Tamke Tree approval that later became known as Kari Drive Associates. Resolution 15-2005 granted approval for the construction of two large flex buildings that could be rented out to trades people for storage and office use. According to Attorney Bisogno's letter dated 2/6/09, Kari Drive Associates intends to sell one of the units to an individual who works alone, and makes high-end custom cabinets and furniture.

The Township's zoning ordinance allows a cabinet shop in the highway commercial zone, but the Zoning Officer's interpretation of the ordinance and the approved Resolution indicates that making furniture and cabinets is not allowed and would require a variance. Kari Drive Associates believes the use is permitted by either the ordinance or by the intention of the Resolution.

Attorney Shurts commented that perhaps it comes down to what the term cabinet shop means. He questioned whether anything that involves the manufacture of something is permitted in the highway/commercial zone given the list of permitted uses in schedule 3 of the ordinance. He stated a cabinet shop is listed under commercial/wholesale/retail uses and a general warehouse use, furniture and fixture fabrication and assembly are found in the schedule under industrial uses and utilities. He noted a warehouse use is permitted in the highway/commercial zone whereas furniture and fixture fabrications and assembly is not. It is permitted in the light industrial zone. Attorney Shurts said this comes down to an opinion and the Board of Adjustment is who interprets these issues, not the Planning Board. He believes Attorney Bisogno was hoping to get some sort of clarification on what was intended in the original resolution of approval.

Planner Hintz said he considers the Standard Industrial Classification Manual one of his Bibles. He commented that wood kitchen cabinets are listed in the manual as a manufacturing use where you are constructing and manufacturing wood kitchen cabinets for permanent installation. Furniture restoration is not the same, but furniture construction is considered a manufacturing use. Planner Hintz referred to the Township's ordinance where cabinets are listed as a permitted use in the highway/commercial zone but not in the light industrial zone which leads him to believe that cabinets was intended to be the sale of cabinets and not the manufacturing of cabinets otherwise it would be listed in the light industrial zone.

Ms. Sommers-Sayre asked if cabinets would be sold from this location, or just manufactured there. Mr. Greenwood explained that he recalls this application moved very slowly and took a few years to complete. He said it was initially presented as rental space for tradesmen to park vehicles, store material and operate out of. He said it was not a place for the public to go to look at displays and when the site plan was being reviewed, it was done so from that perspective. Chairman Pfeiffer added that based on the interpretation of Planner Hintz, Attorney Shurts and the Zoning Officer the proposed cabinet shop is not allowed in the highway/commercial zone. He also added that he did not recall at any point during the application, the issue of manufacturing taking place at the site.

Ms. Smith asked whether the cabinet maker will be building there because he has no other space to work and what makes him any different from any other tradesmen like an electrician or a plumber who may be renting space and manufacturing things on site for a job. Ms. Smith believes the manufacturing word can be argued either way. Chairman Pfeiffer commented that the question before the Board is not whether or not a cabinet shop is appropriate in that location, the question is what the Board's intent was when the resolution was adopted. No one disagreed that manufacturing was not discussed during the application hearings. Mr. Greenwood added that he recalled a certain level of discomfort among Board members when the applicant asked for approval for rental space. He said the Board took the applicant at his word when he described his intentions for the flex units. Ms. Smith commented that the neighbors across the street had expressed concern about possible noise when the applicant was before the Board.

Mr. Urbanski read from the resolution saying it is very specific to state office and storage use and any tenant request for occupancy, both initial occupancy and reoccupancy shall be reviewed by the appropriate municipal officer for compliance with the mix of uses. He said he believes they should go to the Board of Adjustment.

It was the consensus of the Board to have Attorney Shurts draft a letter to Attorney Bosigno clarifying the Planning Board's approved Resolution and explaining that the Board of Adjustment would now have jurisdiction in this matter. Mr. Shapella asked if the comments of the Planning Board can be forwarded to the Board of Adjustment. Attorney Shurts said he will copy the Zoning Officer on his letter to Attorney Bosigno.

#### **Discussion – Possible Amendment to Conditional Uses Section of the Zoning Ordinance**

Chairman Pfeiffer explained to Planner Hintz that the Board is trying to complete a review of the conditional use section of the ordinance for consistency internally and with the Municipal Land Use Law (MLUL). Planner Hintz stated the law is clear on what constitutes a conditional use and the requirements that must be met. Chairman Pfeiffer pointed out that the telecommunications section talks about a Siting Committee which the Board doesn't think should be part of the zoning ordinance. He requested Planner Hintz have a worked up draft of the conditional use section of the ordinance for the March meeting.

#### **Final Site Plan Application/Checklist Procedures – Draft Ordinance Update**

Chairman Pfeiffer indicated Engineer Clerico had said he would review the checklist. He requested that prior to the Board's March meeting Planner Hintz and Engineer Clerico discuss the checklist and make a determination as to whether or not any changes to the checklist should be made. Chairman Pfeiffer requested a final draft be available for review at the Board's March 17, 2009 meeting.

**Master Plan Amendment Update – Municipal Farmland Preservation Plan**

Chairman Pfeiffer explained that in reviewing the Farmland Preservation Plan being done by Linda Weber, he found a discrepancy with the Agricultural Development Area (ADA) boundary. He noted the map in Ms. Weber's plan that came directly from the County's database, was not consistent with what is shown in the Township's Planning Incentive Grant (PIG) application. Chairman Pfeiffer said when he checked the Master Plan, he found that the Master Plan map is consistent with the PIG application. Therefore, the map in the Master Plan and the County database are not the same in that there is an area west of Hunter Road which is shown in the County database as being part of the ADA, but is not shown as part of the ADA in the Master Plan. Chairman Pfeiffer commented that when the Board adopts the plan, they need to make sure that all of the maps are consistent. He noted that the ADA will have to be amended anyway due to the farm north of Gulick Road that now needs to be included in the ADA. Planner Hintz said he would discuss this matter with Ms. Weber.

Chairman Pfeiffer broke the Board members into the following 3 subcommittees for review of specific sections of the Master Plan:

Subcommittee #1: Ron Shapella, John Haug, Sean Pfeiffer

Review Of: Statement of Objectives

Land Use Plan Element

Conservation Plan Element

Subcommittee #2: Tom Molnar, Tom Davis, Chester Urbanski

Review Of: Circulation Plan Element

Recreation Plan Element

Relationship to Other Plans

Subcommittee #3: Bill Corboy, Joan Smith, Alex Greenwood, Joan Van der Veen

Review Of: Historic Preservation Element

Utilities Plan Element

Community Facilities Plan Element

Chairman Pfeiffer asked Ms. Andrews to forward an electronic version of the Master Plan to each of the Board members and requested that the subcommittees meet to review each of their sections and be prepared to discuss the Master Plan at the Board's next meeting. He suggested that each subcommittee forward their copy of the Master Plan with any word track changes to

Ms. Andrews by 3/10/09 to be included in the packets. It was noted that Ms. Andrews will need to mail hard copies of the Master Plan amendments to the Board.

Chairman Pfeiffer opened the floor to discussion on the Master Plan questionnaire that was drafted by previous Board Planner Bolan and distributed at the Board's January meeting.

Mr. Urbanski asked about the reexamination deadline. Attorney Shurts explained the Master Plan was apparently adopted at a meeting on October 29, 2003. He later found a 2004 reexamination report prepared by Planner Mercantante. The report is dated May 17, 2004 which would have been a regular meeting night for the

Planning Board, however, the actual action taken by the Board was at the following meeting on June 15, 2004. There is a Resolution indicating a vote was taken and the reexamination report was adopted. The report is referred to as the reexamination report dated 6/15/04. Attorney Shurts explained that he reviewed all of the files and can't find the report, but he was able to locate the reexamination report dated a month prior. He said he assumes the intention was to change the front page and put the correct date on it, but we don't have it. It was noted that the reexamination of the Master Plan needs to be completed by June 2010.

Mr. Urbanski questioned how the reexamination report was done and asked who received copies of it. Planner Hintz explained the reexamination is a guideline of what may be wrong with the last Master Plan or the current zoning ordinance. He said it is essentially a list of goals and objectives. The example he gave was that of the recent question regarding the conditional use section of the zoning ordinance. He commented that if the Planning Board had a paragraph simply explaining that the Board has reviewed the conditional use section of the ordinance and it finds it to be in need of an update with more detail, that would suffice. He said the reexamination is a framework for further policy work and revisions that does not list solutions.

Chairman Pfeiffer took a poll of the Board members asking what their preliminary suggestions regarding the Master Plan may be. The following comments were made:

Tom Davis – had not reviewed the plan yet.

Ron Shapella – commented that the Master Plan goes overboard in some areas with respect to agriculture being mentioned several times in the objectives. He mentioned that this created a problem with OSG and hamstrung the Board from being able to do anything except identify a center and bring in a sewage infrastructure. He noted agriculture is essential but not the Township's predominant land use. He commented that the Master Plan says approximately 60% of the Township is in agriculture. He said approximately 60% is farmland assessed with only about 28% being actively farmed. He noted that the majority of land in West Amwell is forest and woodlands.

Chester Urbanski – had not reviewed the plan yet.

Alex Greenwood – commented that he was struck by the same issues Mr. Shapella was. He commented that he didn't think the objectives mention anything about clean drinking water or water quality or quantity which is important.

Bill Corboy – had not spent much time reviewing the plan yet.

Joan Van der Veen – commented that she agreed with Mr. Greenwood stating that the Master Plan objectives should clearly state the Township's concern with promoting the health, safety and well being of the community as well as bringing up the ratables in the Township. She also commented on adding some of Planner Frank Banisch's ideas as well as Planner Linda Weber's community design standards.

Joan Smith – suggested incorporating provisions for a natural disaster. She specifically commented on the Township ordinance not allowing mobile homes or travel trailers which would be an issue in the event of a natural disaster. Planner Hintz commented that there are towns that allow temporary mobile home occupancy in the event of residential fires or other emergencies and that West Amwell could certainly consider such an option. Mr. Shapella said the emergency management plan should be reviewed to see if it covers this issue. Chairman Pfeiffer asked if this matter was a Master Plan element issue or an ordinance issue. Planner Hintz said when you conduct a Master Plan reexamination you are looking at the existing plan as well as aspects of the zoning ordinance. Planner Hintz suggested this issue be part of the development regulations section of the ordinance.

Tom Molnar – commented that he would like to see the open space acreage up on Music Mountain be used for active recreation. Chairman Pfeiffer noted the land on Gulick Road could also be considered for active recreation.

Alison Sommers-Sayre – commented that she agreed with some of the previously expressed sentiments regarding establishing a balance between the agricultural and environmental issues to be focused on. She

suggested the Board think about establishing types of agriculture activities they may want to see developed like small scale vs. industrial, organics, animals vs. woodlands vs. crops.

Sean Pfeiffer – commented on balancing things. He stated agriculture is important and he would like to see West Amwell remain rural. He suggested looking at the available new data in the NRI and the Sourlands study. Other areas to review included possible limitations on the size of allowed structures and establishing provisions for existing residences within commercial zones so that they are not forced to go to the Board of Adjustment every time they make improvements to their homes.

Chairman Pfeiffer asked the Board to start thinking about scheduling the first public meeting for input on the Master Plan. He suggested a post card mailing be done inviting the public to attend and provide feedback. The Fire House and High School were mentioned as possible locations for the meeting in order to accommodate large quantities of people. Ms. Andrews suggested an insert be sent out with the tax bills in an effort to save time and money. Mr. Shapella suggested the meeting date be put on the website.

There was some discussion on doing a power point presentation at the public meeting. Planner Hintz indicated this could be done by providing the legal requirements of the Master Plan with slides outlining the goals and objectives of the plan.

#### **Discussion – Natural Resource Inventory**

Chairman Pfeiffer explained to Planner Hintz that the Environmental Commission had prepared an NRI and it should be referenced in the Master Plan and Zoning Ordinance. He stated Planner Bolan had drafted a brief ordinance to this effect but the Board believed it needed some improvement. Planner Hintz stated NRI's are generally referenced in Master Plans, not incorporated into them. Chairman Pfeiffer asked the subcommittee to review where this issue could be referenced.

#### **Discussion – Subdivision Application – LOI Criteria**

Chairman Pfeiffer explained this matter came up as a result of a letter received from the Stony Brook Millstone Watershed suggesting all municipalities amend their checklists to include an LOI as part of the completeness requirement. Planner Hintz stated this could not be done and said there was a court case on the matter where the court determined the LOI is an outside review by a State agency and municipalities could not require an LOI. He indicated he would review the matter and get back to the Board.

#### **Plan Endorsement Update**

Chairman Pfeiffer referenced the 2/13/09 letter from the State Office of Smart Growth that gives the Board until 3/21/09 to decide whether or not they wish to proceed with Plan Endorsement. He noted the action plan included with the correspondence is an old plan referencing outdated issues. Planner Hintz commented that it is important to discuss with Mr. Abelman from OSG that they need to provide an updated action plan that the Board could put time and dollars into and determine if it is something they wish to pursue. He said the few towns he is familiar with who tried to get Plan Endorsement have found it is a very expensive endeavor and he has yet to see any towns that have designated centers receive any money.

Chairman Pfeiffer commented that the reasons West Amwell applied for Plan Endorsement in 2005 was because then Mayor Palladino was told by OSG representatives that if the Township went through Plan Endorsement it would expedite the removal of the sewer service area which has subsequently been accomplished separately through the DEP process and also because of the COAH hook. Chairman Pfeiffer said we were told we would have to apply for Plan Endorsement within 3 years and now that is gone as well. He said the Board has reviewed obtaining Plan Endorsement from the stand point that an updated Farmland Preservation Plan had to be done anyway for the PIG funding but we can't sign onto Plan Endorsement if we don't know all of their expectations.

Planner Hintz noted the Board has three options: (1) Decide whether the Board has to complete the process because of any outside litigation that is on-going. (2) Determine how much more there is to do and what the cost associated with doing it is (3) Consider opting out and cutting your losses. Planner Hintz will get back to the Board on this matter.

There was some discussion on the checklist OSG sent with regard to mandatory cluster developments. There is an existing cluster provision in the ordinance but it is not mandatory. The developer is given the option of doing a conventional subdivision or clustering. However, if the developer wishes to create a cluster development, they must prove that a conventional

subdivision would work first. Planner Hintz indicated OSG was simply asking that the Township have an ordinance regarding clustering and the Township does. Chairman Pfeiffer agreed and clarified that the checklist predates the October meeting with OSG which is creating some confusion on what is expected. Mr. Shapella stated he believes OSG sent the wrong checklist. Chairman Pfeiffer commented the other issue which was deferred to previous Planner Bolan, was the matter of land owner equity. Mr. Shapella indicated that at the October meeting with OSG they established goals which included preserving land owner equity and preserving the rural character of the Township. Planner Hintz will review exactly what OSG is looking for, what the cost factor is and what the benefits of Plan Endorsement are and report back to the Board at the March 17, 2009 meeting.

Mr. Shapella asked what the reference to *new* Plan Endorsement meant. Chairman Pfeiffer responded that new was referring to the new rules. He said OSG changed the rules at some point, where before TDR was optional and then they said TDR could be mandatory.

#### **New Business – Correspondence**

Ms. Andrews noted the Board's April 21, 2009 meeting needs to be rescheduled due to the conflict with school board elections. Ms. Andrews noted Wednesday April 22, 2009 was available. Chairman Pfeiffer asked Ms. Andrews to send an e-mail out to the Board members asking what dates they are available.

Ms. Andrews also noted there is a resident in East Amwell who is very concerned with the upcoming bridge repairs the State is proposing to do in the area. The resident asked Ms. Andrews to make the Board aware that the State is proposing to repair the Alexhauken Creek Road Bridge in West Amwell. The Board took the information under advisement.

Chairman Pfeiffer noted the annual report received from the Board of Adjustment. Ms. Van der Veen suggested the report include street addresses for the properties rather than just block and lot numbers. Chairman Pfeiffer asked Attorney Shurts if the Board of Adjustment should be included in the Planning Board's Master Plan reexamination. Attorney Shurts commented that the purpose of the report is to give the Planning Board an idea of any patterns emerging through the variances being requested which would indicate that the developmental ordinances may need to be reviewed.

#### **Adjournment**

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

The meeting adjourned at 10:48 PM.

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Maria Andrews, Planning Board Secretary