

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
June 16, 2009**

The West Amwell Township Planning Board meeting was called to order at 7:35 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 June 11, 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  
John Haug  
Tom Molnar  
Sean Pfeiffer – Chairman  
Ron Shapella  
Joan Van der Veen  
David English – Alt. #2  
Attorney Shurts  
Engineer Clerico  
Planner Hintz

**Absent:** Tom Davis  
Alex Greenwood  
Chester Urbanski

**Approval of Bill List**

A motion by Van der Veen, seconded by Haug to pay the vouchers as listed on the 6/16/09 bill list was unanimously approved by roll call vote.

**Resolutions of Approval**

There were no resolutions of approval listed on this evening's agenda.

**Applications**

There were no applications listed on this evening's agenda.

Chairman Pfeiffer indicated he was going to reorder the agenda and discuss item number 4 under unfinished business, first, so that Engineer Clerico did not have to stay for the whole meeting.

### **Unfinished Business**

#### **Final Site Plan Application/Checklist**

Engineer Clerico explained that there were no substantive changes made to the checklist other than the few grammar and formatting changes noted at last month's meeting. He indicated all of the information contained in the new checklist was taken from the current checklists. The only change is that the Board will now require a Letter of Interpretation (LOI) from New Jersey Department of Environmental Protection (NJDEP) for all applications with the provision that the Board will consider a request for a waiver with sufficient evidence for a Minor Subdivision and Minor Site Plan.

Mr. Shapella suggested that the Environmental Impact Statement (EIS) requirements should be spelled out. He remarked that the checklist should direct the applicant to obtain a copy of an EIS from the Township Clerk or Planning Board Secretary. Mr. Shapella stated that a good example of an EIS is outlined in the Township's Woodland Protection Ordinance which could be made available to all applicants.

Engineer Clerico commented that many ordinances have their own internal reference to EIS criteria and he asked Mr. Shapella for specific language or for a specific citation applicants can be directed to. It was noted that Planner Hintz will provide the Board with a sample EIS that he has created for other municipalities that lists all of the required criteria.

It was the consensus of the Board to list this matter on the July agenda for further discussion. Planner Hintz will provide samples of EIS's for distribution to the Board. Chairman Pfeiffer requested Engineer Clerico generate an electronic version of the checklist to the Board before next month's meeting.

Chairman Pfeiffer read the following letter of resignation from Joan Smith for the record:

*Dear Sean,*

*It is with regret that I tender my resignation from the West Amwell Township Planning Board. This has not been an easy decision. It took a lot of consideration. I have appreciated the opportunities and experiences that have been provided to me during my appointment. It has been a pleasure working with my fellow colleagues and the Township professionals.*

*Enclosed please find the information I was working on for the Master Plan. If you require any further information during this transition, please do not hesitate to call.*

Chairman Pfeiffer thanked Ms. Smith for her service and commented that she will be missed. Mr. Shapella commented that Ms. Smith has served the Board well and noted that she was one of the original "yes" votes for the Master Plan in 2003 which he appreciated.

Engineer Clerico commented that under correspondence there is a letter from D & R Canal Commission regarding updated regulations. He said the current checklist as well as the new checklist requires applicants to go to D & R for review as well as any other applicable agencies.

Engineer Clerico asked Attorney Shurts if he was needed for comment on the Foran matter regarding the requested lot certifications. Attorney Shurts noted that he never received any final information as to whether or not the deeds were ever recorded. He explained that a statutory requirement is that when subdivision deeds are recorded, copies of the recorded deeds are supposed to be sent to the Tax Assessor and to the Engineer.

Attorney Shurts remarked that everything Clerk Olsen was able to find on the matter indicates the deeds were recorded but the Tax Assessor has not gotten back to her yet. Engineer Clerico noted that Ms. Andrews showed him documentation where the Assessor has the lots accounted for but not depicted on the tax map as of yet.

Engineer Clerico left the meeting at this time, 7:51 PM.

#### **Discussion – Status Update on Accessory Structure Size Limitations**

Planner Hintz commented that he reviewed several other municipality's ordinances and came up with a table depicting the various zones within the Township, maximum lot coverage, proposed maximum floor area ratio and an example of maximum square footage permitted on a lot at the minimum lot size. For example in the SRPD zone, 10% maximum lot coverage is currently adopted, which would allow for 4% maximum square footage for all buildings and structures which would be a total of 13,939 sq. ft. It was noted that this accessory size limitation would apply for all structures, including farm structures.

Mr. Haug commented that the proposed table does not address the original discussion which was whether or not to have an absolute cap on the total allowed square footage of a structure. Planner Hintz indicated a cap could be added for each zone.

Ms. Van der Veen asked if the Right to Farm Act has any bearing on the matter. Attorney Shurts said he did not know. Chairman Pfeiffer added that Mr. Urbanski was not in attendance this evening and noted that it is important for the Board to get input from the Agricultural Advisory Committee (Ag Advisory). Mr. Haug remarked that he thought Ag Advisory indicated 30,000 sq. ft. should be the maximum.

Chairman Pfeiffer commented that the table references an "R-9 w/sewer" zone and he said the Township has no sewers. Planner Hintz stated that is what the Township Ordinance says. It was noted this needs to be corrected.

Several Board members commented on the proposed table:

Mr. Shapella stated it is difficult to figure out where to draw the line.

Mr. Corboy commented that 30,000 sq. ft. is a large structure. He drew a comparison to an enclosed football field. He also commented on the amount of stormwater run-off large buildings may create and commented that a water management plan may need to be submitted.

Mr. Molnar stated he thought the sliding scale table is appropriate. He added that there are a lot of variables to consider saying we are the "Garden State" and now we are putting more restrictions on what can occur.

Ms. Van der Veen commented that she is concerned with how the size limitations tie into the Right to Farm.

Mr. Shapella suggested the Board obtain a definitive answer from the State Department of Environmental protection (NJDEP) regarding whether or not farm buildings are exempt from stormwater regulations. Planner Hintz stated he would check into this and report back to the Board.

The consensus of the Board was to get feedback from Ag Advisory and continue discussions on the matter at next month's meeting.

#### **Discussion – Status of Chapter 109 Review**

Planner Hintz reported that he has not heard back from Ag Advisory regarding their recommendations. He indicated that once he receives their comments he can put the information into ordinance form for the Board's review.

#### **Discussion – Status Update of Amendment to Conditional Use Section of Zoning Ordinance**

Planner Hintz commented that he is still awaiting comments from Ag Advisory and once he receives them, the amendment will be ready for final review.

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

Chairman Pfeiffer asked Ms. Andrews to distribute the documentation provided by former Planning Board member Smith to subcommittee #3 consisting of Bill Corboy, Alex Greenwood, Joan Van der Veen and David English who will be replacing Ms. Smith.

Ms. Van der Veen commented that she attended the Sustainable Hunterdon Breakfast Talk this morning. The website is [www.Sustainable-Hunterdon.org](http://www.Sustainable-Hunterdon.org) for anyone interested in obtaining more details. Ms. Van der Veen explained that the website provides information as well as a forum for chatting with other municipalities to share ideas. She noted she attended the breakfast talk with the hope of obtaining a model sustainable ordinance. Ms. Van der Veen indicated the draft ordinance she was provided with is appropriate for less rural communities than West Amwell. She noted there are two ways to incorporate a green element into the Master Plan: Throughout the entire document or in one section which she believes would be an easier approach.

Chairman Pfeiffer asked Planner Hintz if he had begun working on a reexamination report based on the information discussed and distributed at the last meeting. Planner Hintz indicated he is trying to establish a dollar amount for the project prior to beginning the work so the Board is aware of the cost. Planner Hintz stated he will send an email to Ms. Andrews on the matter for distribution prior to the July meeting.

### **Discussion – Comments from Board on COAH: Substantive Certification**

Chairman Pfeiffer explained there is an ordinance in the Board's packets that requires comments from the Planning Board. The ordinance addresses the Council on Affordable Housing (COAH) related to West Amwell's substantive certification of its third round Housing Element and Fair Share Plan. He said the Board is being asked to review the ordinance and report on its consistency with the Master Plan. It was noted that Shirley Bishop has reviewed the ordinance and that COAH has approved it.

A motion by Shapella, seconded by Corboy to find the ordinance consistent with the Housing Element and Fair Share Plan as well as all other elements of the Master Plan and recommend its adoption was unanimously approved by roll call vote.

Ms. Andrews indicated she will send a memo to Clerk Olsen tomorrow for their Township Committee meeting tomorrow night.

Chairman Pfeiffer noted that related to this matter under correspondence on the agenda, the Township has received notification from COAH that we received substantive certification. He referred to Exhibits B and C attached to the letter and commented that they were related to the discussion the COAH Committee had regarding the comments submitted by the Fair Share Housing Center (FSHC) back in April about subsidized rent for low income housing. Chairman Pfeiffer explained that Shirley Bishop was concerned because she wasn't sure potential tenants would be able to qualify for any background or credit checks that may be required. Additionally the Township would have to subsidize the rent at a considerable cost for many years. Chairman Pfeiffer noted that it appears COAH has supported the Township's position but there is the possibility that FSHC may be looking to sue COAH. Planner Hintz commented that FSHC has been pursuing several municipalities and West Amwell was not alone.

Another related COAH memo came from the Township's Construction Office last month regarding accessory apartments and the possible need for a Letter of Interpretation (LOI) for new structures. Chairman Pfeiffer asked who will make the determination—the Construction Office?—if an LOI will be required. He remarked that the ordinance was amended to allow accessory apartments so people wouldn't have to come before the Board and

now we're saying an LOI may be required and he asked what criteria will be used to determine if an LOI will be necessary. Chairman Pfeiffer remarked that based on the memo from the Construction Office, there isn't enough information for the Board to make a decision. Ms. Van der Veen suggested someone from the Construction Office come to the next Board meeting to provide specific details. Ms. Andrews noted she would invite them.

Ms. Van der Veen commented that she had asked Chairman Pfeiffer to find someone to take her place as liaison to the COAH Committee. She noted the Committee is dissolving because two people have resigned and the remaining members don't have the expertise to review all of the issues. Ms. Van der Veen stated her concern is that the Committee is not currently functioning properly. Chairman Pfeiffer asked Mr. Corboy if the Township Committee will be appointing replacements for the two members who resigned. Mr. Corboy indicated the Committee is working on it. Chairman Pfeiffer addressed Mr. Molnar saying he is the Township Committee liaison to the COAH Committee, and he asked Mr. Molnar if he would fill in as the Planning Board liaison given Ms. Van der Veen's request. Mr. Molnar agreed to do so. Ms. Van der Veen will remain on the Committee until a replacement can be found.

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

Planner Hintz commented he is still awaiting comments from the State Agricultural Development Commission (SADC).

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

Planner Hintz commented that he still has not heard back from the Office of Smart Growth (OSG) regarding the Board's requested meeting with the Mayor to get specific details on what they are expecting/requesting of the Township. Planner Hintz will continue to follow up on the matter.

#### **Approval of Minutes**

The Board reviewed the minutes from their 5/19/09 meeting and the following revisions were noted:

Page 3 Paragraph 2: He commented that golf courses would be considered a conditional use in the Light Industrial District of the Township because the use would be suitable in this location and would be compatible with the uses within and adjacent to the district. **However, upon discussion it was determined that acreage requirements were such that no suitable sites existed in that district, therefore that use would not be added.**

*The bold face sentence was added for clarification.*

Page 3 Paragraph 6: Chairman Pfeiffer was changed to **Planner Hintz**.

Page 4 Paragraph 2: It was the consensus of the Board to direct Planner Hintz to put all of the Board's comments and suggestions into ordinance form **for** review at next month's meeting.

*The word **for** was added.*

Page 6 Paragraph 3: Engineer Hintz was changed to **Planner Hintz**.

A motion by Shapella, seconded by Haug to approve the minutes from 5/19/09 with changes was approved by roll call vote with Van der Veen abstaining.

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

Chairman Pfeiffer noted the letter received from D & R Canal Commission is what Engineer Clerico had referenced earlier in the meeting. Mr. Shapella questioned the reference to canal park in the letter. Mr. Corboy clarified that canal park is the stretch of land from Bull's Island to New

Brunswick. Planner Hintz commented that the letter was simply worded poorly. It was noted that the letter does not contain actual regulations, but rather serves to inform the Board that D & R is reviewing and updating their existing regulations.

Regarding the correspondence from property owner Arthur Foran, Attorney Shurts stated that there is a provision in the Municipal Land Use Law (MLUL) that allows a property owner to request a certification from the Municipality's Administrative Officer as to whether or not a subdivision was granted. He commented that it is a way of determining whether or not lots exist. It was noted that this was an approved 5 lot subdivision. Attorney Shurts stated that the Administrative Officer is Municipal Clerk Olsen and she will issue the certification but some of the information requested by Mr. Foran will need to be obtained from the Tax Assessor. He indicated the Board did not need to take any action on the matter and commented that the information was provided so the Board was aware of the request.

### **New Business – Other**

Ms. Van der Veen commented that the Township's Volunteer Fire Department is celebrating their 60<sup>th</sup> Birthday in July and she asked if it would be appropriate for the Planning Board to send a letter of appreciation. Chairman Pfeiffer asked if that was a motion.

A motion by Van der Veen, seconded by Molnar to send a letter of appreciation to the Fire Department for their 60 years of service was unanimously approved by roll call vote.

Ms. Van der Veen also encouraged everyone to attend the Ladies Auxiliary dinner whenever they see advertisements for the function. She noted the Ladies are losing people to other events planned for the same evening. Ms. Van der Veen stated that the support would be appreciated.

Mr. Haug questioned the necessity of a roll call vote after every motion. Chairman Pfeiffer indicated that the Board has always done everything by roll call vote. Ms. Van der Veen commented that it is nice for members of the public to hear each Board members name associated with their vote. Attorney Shurts commented that he believed a roll call vote was needed only for the approval of monetary expenses and Resolutions. Chairman Pfeiffer commented that the Board can still adjourn by proclamation.

### **Adjournment**

A motion by Shapella, seconded by Molnar to adjourn was unanimously approved by voice vote.

The meeting adjourned at 9:04 PM.

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Maria Andrews, Planning Board Secretary