

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
September 15, 2009**

The West Amwell Township Planning Board meeting was called to order at 7:38 PM (*due to a lack of a quorum of Board Members*) 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 September 10, 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: Alex Greenwood
John Haug
Sean Pfeiffer – Chairman
Ron Shapella
Chester Urbanski
David English – Alt. #1 (*arrived at 7:45 PM*)
Attorney Shurts
Engineer Clerico

Absent: Bill Corboy
Tom Molnar
Joan Van der Veen
Rich Storcella – Alt. #2

Approval of Bill List

A motion by Shapella, seconded by Urbanski to approve the vouchers for payment as listed on the 9/15/09 bill list was unanimously approved by roll call vote.

Applications

There were no applications for public hearing listed on the agenda.
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Unfinished Business

Discussion – Extension of Time to File Deeds – Boan Subdivision – Block 13 Lots 4 and 5

Attorney Shurts explained that applicants typically require additional time to perfect their subdivisions due to conditions of approval that may have been imposed. He indicated the applicant still has not submitted a revised plan which was one of the conditions. Attorney Shurts noted that he had drafted a resolution for the Board's review this evening. He said he received a call from Mr. Boan's Attorney who left a message requesting up to a 120 day extension due to a delay in receiving information from their Engineer.

Engineer Clerico indicated the site plan and the deeds both lacked descriptions for the conservation easement and he has not received any revised information to date. Mr. Urbanski commented that Mr. Boan's Engineer is suffering from serious health issues and is presently not able to work. It was noted that since Mr. Boan will likely have to seek assistance from other professionals, the Board's recommendation was to grant a 120 extension.

A motion by Greenwood, seconded by Shapella to approve Resolution PB#2009-16 granting Mr. Boan 120 days to perfect his minor subdivision was unanimously approved by roll call vote.

Mr. Urbanski noted that the adjacent property, which is the subject of this minor subdivision, is currently for sale. He asked what the impact will be if the lot is sold prior to the subdivision being perfected. Chairman Pfeiffer indicated this situation is between the applicant and his attorney to sort out relevant to whatever contract there may be with the adjoining property owner. Attorney Shurts agreed and said the Planning Board has no control over this matter.

Discussion – Request for Waivers – Lucarini Minor Subdivision – Block 32 Lot 4

Chairman Pfeiffer noted that the applicant was not present at this time. Ms. Andrews confirmed that Mr. Lucarini was aware that he was on the agenda. Chairman Pfeiffer commented that this matter will be listed on the Board's next month's agenda and excused Engineer Clerico at this time, 7:50 PM.

Prior to Attorney Shurts leaving the meeting, Chairman Pfeiffer asked him to address a concern raised by a member of the public at last month's meeting regarding the posting of the agenda on the bulletin board.

Attorney Shurts indicated that the meeting notice requirements stipulate that public notice be given which is addressed at the Board's reorganization meeting in January. He noted that the Board publishes their monthly meetings for the year at this time, which was done and the list is required to be posted, which it has been. Attorney Shurts indicated these two actions comply with the requirements of the Open Public Meetings Act.

Chairman Pfeiffer commented that he had made some inquiries into what may have happened to the agenda that was posted on the bulletin board and said he believes he may have identified some security issues with respect to the bulletin board which he plans to address with the Township Committee at their next meeting. He stated he will report back to the Board next month. He expressed that he was going to suggest Ms. Andrews provide the Clerk's office with a copy of the agenda that they would then be responsible for posting.

Ms. Andrews noted for the record that the Board's 8/18/09 agenda was posted on the bulletin board on 8/13/09. She commented that she doesn't know what happened after that and expressed if it was taken down by someone, it was simply a mistake. Chairman Pfeiffer noted that he takes "process" seriously and will take whatever steps are necessary to ensure that it doesn't happen again.

Mr. Shapella asked Attorney Shurts for the record if there was any question as to whether or not last month's meeting was held legally. Attorney Shurts indicated he had no problem with the Planning Board's 8/18/09 meeting and noted that he was not aware of any actions that were taken last month that could be subject to challenge since there were no applications listed on the agenda.

Mr. Lucarini walked into the meeting at this time, 7:57 PM. Chairman Pfeiffer addressed him saying that Engineer Clerico had left a few minutes ago because the Board had gotten to this matter on the agenda and no one was present. He expressed that the best he could offer Mr. Lucarini at this time was to be placed first on the Board's October agenda.

Mr. Lucarini indicated he had spoken to someone at the Township Offices who advised him the Board would not get to his matter on the agenda until 8:00 PM. When asked who he spoke with, Mr. Lucarini did not provide a name. He did confirm that he had received a copy of the agenda for tonight's meeting in the mail and was unaware that Engineer Clerico needed to be present for the discussion. Chairman Pfeiffer explained that Engineer Clerico determines the completeness of applications and needs to hear all of the details of the application that would have been discussed. Attorney Shurts clarified that tonight's discussion was for determining the completeness of Mr. Lucarini's application with respect to specific waivers being requested.

Mr. Lucarini expressed frustration with all of the bills generated by Engineer Clerico to review his application. He also expressed annoyance with administrative issues he perceived as delaying his application from moving forward. Mr. Lucarini commented his project has been dragging on for the past 3 years due to the mistakes of others. Chairman Pfeiffer suggested that Mr. Lucarini put all of his concerns in writing to Board Secretary Andrews so that the Board can review the matter.

Mr. Lucarini continued to complain about excessive bills and commented that he didn't even know what he was paying for in some instances. He said he did not want to bring anything to light now for fear it would cost him down the road. He stated he wanted to wait until everything is completed before he addresses the mistakes he feels have been made. Mr. Lucarini indicated he doesn't believe he has received copies of all of his escrow bills. Chairman Pfeiffer stated Mr. Lucarini had a right to see copies of all his escrow bills and stated Ms. Andrews could provide them if necessary. Ms. Andrews noted that the Board's Professionals are required to provide copies of their bills to the applicant for any work they do on that applicant's application. Attorney Shurts confirmed this and Ms. Andrews indicated she believed Engineer Clerico was providing copies to applicants as well. Chairman Pfeiffer asked that this be confirmed with Engineer Clerico. Attorney Shurts noted that there is a policy the Board has in which the professionals are instructed to find out if there are sufficient funds in an escrow account prior to doing work on the application. He noted this is done to prevent a situation where work is done, the applicant has no escrow money and then the municipality becomes responsible for the bill. Attorney Shurts added that while it's good to hear concerns from applicants, it is unfair to continue this discussion since Engineer Clerico is not present at the meeting.

Chairman Pfeiffer stated again that there was nothing he could do for Mr. Lucarini this evening. He indicated the Board will list this matter first on their October agenda and suggested Mr. Lucarini arrive at next month's meeting no later than 7:30 PM if not earlier.

Discussion – Master Plan Amendment Update: Farmland Preservation Plan

Chairman Pfeiffer indicated Ms. Weber is still working on completing the Farmland Preservation Plan amendments and he is assisting with updating some of the charts related to preserved property.

Attorney Shurts left the meeting at this time, 8:14 PM.

Discussion – Status Update of Structure Size Limitations: Input Update from Ag Advisory

Mr. Urbanski indicated there was an Agricultural Advisory Committee (Ag Advisory) meeting on 9/7/09 where the matter was discussed. He noted that the Committee generally feels that size limitations are

acceptable. The problem Ad Advisory is struggling with is that farmers want to know how difficult it will be to obtain approvals from the Zoning Board if variances are requested for structures larger than what may be allowed. He commented that farmers do not want to have to hire attorneys or engineers to represent them should they need variances.

Mr. Urbanski noted that East Amwell Township appears to have established guidelines for each of their zones regarding the size of allowed structures. He indicated he would like to speak to East Amwell's Zoning Officer for more details and then attend the next Board of Adjustment meeting in West Amwell to get input from them on the issue.

Mr. Shapella commented that he had contacted some surrounding municipalities. He indicated that in some cases the County Agricultural Development Board (CADB) hears these types of applications. Chairman Pfeiffer clarified that CADB does hear right to farm applications for commercial farms only. He noted most applicants appeal to the CADB when they are denied by local Boards and he commented this is not the situation West Amwell wants to create for their landowners. Mr. Shapella noted that Delaware Township and Hopewell Township do not have any regulations on the size of farm structures. He added that the League of Municipalities does not have much in the way of case law on the matter. Mr. Shapella relayed that the Hopewell Township Zoning Officer had suggested that the Board could set a size limit where landowners would be required to obtain a permit for structures up to whatever the size limit is and anything over the size limit would require a variance.

Chairman Pfeiffer commented that the reason this matter is being discussed is simply because the Board of Adjustment asked the Planning Board to look into it. He said he did not think the issue should be overly complicated. He indicated it was a matter of the Board doing their due diligence to determine whether or not establishing a size limit is worthwhile or not. He commented he would like to obtain input from Ag Advisory as to whether or not they believe a size limit should be established. Chairman Pfeiffer also suggested Ag Advisory should try to speak to some of the larger landowners in the Township for their input.

Mr. Urbanski commented that 60% of the land in West Amwell is farmland assessed and if limitations are not placed on farm buildings, then the person who has a 5 acre parcel can put up a rather large building. He provided an example saying in the Rural Residential 6 section of the Township, someone with a 5 acre farm and maximum lot coverage of 12% could conceivably erect a 20,000 sq. ft. building. It was noted that if a variance was required for structures this large, it gives surrounding property owners the opportunity to voice their opinion on the matter.

Chairman Pfeiffer clarified that Ag Advisory does not have a specific recommendation at this time other than they believe it is a subject that should be considered to allow for public input, but at the same time they don't want to make it onerous. He noted there are limits on impervious coverage and accessory structures but there are no limits on any other structures. Chairman Pfeiffer commented that given the fact that West Amwell is trying to be an agriculturally friendly town he doesn't believe a limit should be created on farm structures in a vacuum. He noted if someone can put up a 20,000 sq. ft. home, logic would dictate that they could put up a 20,000 sq. ft. barn. He suggested the Board may

wish to address the issue with a sliding scale for impervious coverage as was previously suggested by the Board's Planner a few months ago.

Mr. Haug commented that he doesn't believe the sliding scale will accomplish much and he can't really justify spending the money to change or revise the ordinance.

Mr. Greenwood noted that impervious coverage will not have an impact on the large farm parcels but he indicated reviewing the impervious coverage may be the fairest way to address the issue.

Chairman Pfeiffer commented that he did not believe there should be a specific limit on agricultural structures if there are no limits established for homes or commercial buildings. Mr. Urbanski noted that Ag Advisory has no issue with the current accessory building/structure limitations.

It was the consensus of the Board to continue reviewing the impervious coverage sliding scale while conducting their Master Plan reexamination.

Final Site Plan Application/Checklist – Review of Environmental Impact Statement Checklist

Mr. Shapella commented that he missed the last Environmental Commission meeting and will report back to the Board next month. Chairman Pfeiffer suggested Mr. Shapella provide the Chair of the Environmental Commission all of the relevant details on this matter so that if he misses the next meeting the Commission could send a letter to the Planning Board detailing what they discussed.

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

Chairman Pfeiffer commented there was a draft reexamination report handed out this evening for the Board's review which was compiled by the subcommittee. He stated he would like to get feedback from the Board Members on what has been put together so far. It was noted that the date for comments to be sent to Ms. Andrews will be 9/25/09. Once everyone has had an opportunity to review and comment on the draft reexamination report, the document will be forwarded to Planner Hintz for his consideration and then the Board will request public input.

Chairman Pfeiffer went through the draft reexamination report page by page and provided the Board with a brief explanation of what each section addressed.

It was noted that the intention of the Board was to have Planner Hintz provide documentation for review at next month's Planning Board meeting. The goal is to have the reexamination report done before the end of the year.

Status of Plan Endorsement

Chairman Pfeiffer noted he had nothing to report on this matter at this time. He indicated the Office of Smart Growth (OSG) was to provide a revised action plan in the near future and a revised clustering concept map sometime in November 2009. It was noted that Mr. Shapella will send an email to Barry Abelman of OSG requesting an estimated timeline for receiving the revised action plan and related documentation.

Approval of Minutes

The Board reviewed the minutes from their 8/18/09 meeting and the following revisions were noted:

Page 2, Paragraph 5: *...SADC is looking for the Township to include some language in the **ordinance** indicating...*

The word ordinance will be changed to plan.

*He said the SADC did agree that **clustering** would only be **relevant with** private well and septic.*

Clustering will be changed to cluster development and the words relevant with will be replaced with the word on.

Page 3, Paragraph 2: All references to Environmental **Committee** will be changed to Environmental Commission.

Page 5, Paragraph 1: An apostrophe will be added to Acting Commissioner's Office.

Page 5, Paragraph 2: The word **perk** will be changed to perc. It was noted this will be changed consistently throughout the minutes.

Page 7, Paragraph 2: *Chairman Pfeiffer said he didn't think Mr. Urbanski was comfortable stating, on behalf of the Ag Committee, that 30,000 sq. ft. was the **size** since a vote hadn't been taken on the matter.* The word size will be changed to recommendation.

Page 7, Paragraph 5: *...the most they believed they could get on the property was 19 building lots.* The words **on septic** will be added ...19 building lots on septic.

Page 8, Paragraph 2: The apostrophe will be removed from the word Boards.

A motion by Shapella, seconded by Urbanski to approve the minutes from 9/15/09 with the noted changes was approved by roll call vote with Mr. Urbanski abstaining.

New Business

Chairman Pfeiffer commented that the budget printout the Board received was slightly confusing because the total balance in several of the line items appeared to be the same figure (\$5,295.07). He requested that all remaining printouts clearly reflect what the balance is in each line item. Ms. Andrews indicated that she believed the Board had \$5,295.07 remaining in their entire budget for the year. Chairman Pfeiffer stressed the importance of knowing exactly how much money is left in an already limited budget and expressed this is one of the reasons why the Board doesn't want to have Engineer Clerico sitting at the table waiting for an applicant to arrive. Ms. Andrews commented that she would like to clarify some of the issues raised by Mr. Lucarini when possible. Chairman Pfeiffer allowed her to explain. Ms. Andrews noted that she has dealt with Mr. Lucarini in both East and West Amwell and commented that his disorganized style of providing application information sometimes hinders his progress. She also defended herself as well as Engineer Clerico saying that they have both provided extensive assistance to Mr. Lucarini with his application. Ms. Andrews expressed frustration with the comments made by Mr. Lucarini regarding the application process as well as his escrow bills. Mr. Haug commented that he understood the situation and Chairman Pfeiffer thanked Ms. Andrews for her input.

Chairman Pfeiffer asked Mr. Shapella if he had anything to report on the County Wastewater Management Plan deadline extension. Mr. Shapella simply noted that the County had extended the deadline for municipalities to submit their plans. He indicated West Amwell's plan is in and the County now has to submit their plan to the New Jersey Department of Environmental Protection (NJDEP). Chairman Pfeiffer asked for clarification that the Township's 6 year timeline will be reset when the County plan is approved. Mr. Shapella said yes.

Adjournment

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

The meeting adjourned at 8:58 PM.

Maria Andrews, Planning Board Secretary