

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
April 21, 2010**

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 28, 2010. Notice has been posted on the bulletin board at Town Hall on April 15, 2010, 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: Lonnie Baldino
Stephen Bergenfeld
George Fisher
John Haug
Sean Pfeiffer
Hal Shute
Joan Van der Veen (*arrived at 7:45 PM*)
Zach Rich – Alt. #1
Rich Storcella – Alt. #2
Attorney Shurts

Excused: Tom Molnar
Chester Urbanski

Approval of Bill List

Chairman Pfeiffer questioned Engineer Clerico's February 2010 bill for \$399.00 regarding his review of the electronic version of Township Zoning Map documents approved through previous Planning Board Planner Tony Mercantante. Since Engineer Clerico was not present at the meeting to clarify the matter,

Chairman Pfeiffer suggested the invoice be held until the Board's May meeting in order to get clarification.

A motion by Haug, seconded by Fisher to approve the vouchers for payment as listed on the 4/21/10 bill list with the exception of Engineer Clerico's February 2010 invoice for \$399.00 was unanimously approved by roll call vote.

Resolutions of Approval

Resolution PB#2010-11: Lucarini – Block 32 Lot 4 – Minor Subdivision Approval

Attorney Shurts commented that Mr. Lucarini's Attorney Don Scholl had requested the memorialization of this Resolution be tabled until the Board's 5/18/10 meeting in order to allow them additional time to review the document. It was noted that any comments or revisions from the Board Members should be given to Attorney Shurts as soon as possible.

Mr. Shute asked if Attorney Scholl had indicated what the problem was with the Resolution. Chairman Pfeiffer referenced the 4/16/10 letter from Attorney Scholl requesting the matter be tabled. He noted the following issues: The conservation easement descriptions/dedications, the removal of two trees in the driveway area and the driveway design.

Ms. Van der Veen commented she had questions on the Resolution. Attorney Shurts noted that he didn't believe it was appropriate to spend much time reviewing the document in the absence of the applicant.

Chairman Pfeiffer asked for clarification of the wetlands descriptions being referenced as an attachment to the Resolution. He then asked Attorney Shurts to make sure Engineer Clerico agreed with the language used on page 11 regarding the driveway construction. Attorney Shurts indicated the language used came directly from Engineer Clerico. Chairman Pfeiffer also suggested Attorney Shurts go back and clarify what was said at the completeness review vs. the testimony at the public hearing regarding the conservation easements. Chairman Pfeiffer noted the clarification won't change the outcome of the application but would make the record clear for anyone reading the document in the future. Chairman Pfeiffer then noted a grammatical error on page 3.

Ms. Van der Veen commented that she had a hard time following the Resolution and noted that it wasn't clear what needed to be done prior to Mr. Lucarini being able to obtain the deed and then what needed to be done at the time of development. Attorney Shurts stated the deed must be recorded within 190 days of subdivision approval or the approval lapses. Ms. Van der Veen referred to page 7 regarding the swale as it's associated with the driveway design and asked if this had to be done prior to Mr. Lucarini filing his deed. Attorney Shurts noted this item was contained in Engineer Clerico's review report and commented that he believes the swale/driveway issue would need to be addressed but that he will look into the matter and get back to her. Ms. Van der Veen then asked if there will be a deed restriction on Lot 4 against further subdivision. Attorney Shurts indicated that this was a condition of the Board of Health's waiver granted for the reserve septic. Chairman Pfeiffer noted the deed restriction was part of the Planning Board's motion to approve the application as well.

There was some discussion on how this approval will be tracked in the future should the property owner at that time choose to develop the lot. Attorney Shurts commented that if someone comes for a permit to develop Lot 4.02 in the future, it must be noted that there is some work that has to be done in order to make sure the subsequent conditions are met. Mr. Baldino said he doesn't know what type of system Construction Official Mr. Rose has set up, but as the Zoning Official he always refers to the Block and Lot files in the Township Office for review. Mr. Shute commented that he believes the only reliable information is the recorded deeds at the County. Mr. Bergenfeld commented that it has been his experience that most Townships do keep the information in a file.

Chairman Pfeiffer asked Ms. Andrews to notify any Board Members who are absent this evening to get their comments on the Resolution to Attorney Shurts as soon as possible.

Chairman Pfeiffer noted correspondence on this application had been received after the public hearing last month. The correspondence was listed on the agenda. Chairman Pfeiffer suggested a copy of the letter be forwarded to the applicant. It was the consensus of the Board to not forward the correspondence to the applicant since no action will be taken on the letter and there is no legal requirement to do so.

Resolution PB#2010-12: Burgess – Block 19 Lot 7.03 – Modification of Minor Subdivision Approval

Mr. Fisher asked if the Board had heard back from the applicant's professionals regarding the New Jersey Department of Environmental Protection (NJDEP) issues. Attorney Shurts indicated he had not heard anything. Chairman Pfeiffer noted that Township Attorney Faherty requested a copy of the Green Acres Regulations which he forwarded to Clerk Olsen.

Chairman Pfeiffer commented that he recalls a non-binding recommendation made by the Board that the Governing Body request the applicant pay all costs associated with any applications to the NJDEP for this proposed modification. He asked if this needs to be reflected in the Resolution. Ms. Andrews remarked that this sentiment was not actually noted in the motion. Attorney Shurts commented that the entire Resolution is a recommendation to the Governing Body and in the letter he was requested to write to them he stated the Governing Body should consider that if there were any applications to the NJDEP the applicant should be responsible for the costs.

Mr. Baldino commented that on page 11 there is a reference to site grading being reviewed by the Township Construction Official. Mr. Baldino indicated that Mr. Rose is not the person to review grading work and suggested this reference be changed to the Township Engineer. There was some discussion on who would pay the Engineer for his services and whether or not there should be a provision included in the Resolution regarding establishing an escrow.

Chairman Pfeiffer asked hypothetically if someone comes in with a lot that was approved 30 years ago, who reviews the grading now. Mr. Baldino indicated the Township Engineer would look at any grading and commented that he wasn't sure who paid him. He remarked that in West Windsor Township everything is done in house.

Mr. Shute suggested the reference on page 11 should say *the Township Engineer or the Hunterdon County Soil Conservation District* ought to review the site grading. Chairman Pfeiffer suggested *the Township Engineer **and** the Hunterdon County Soil Conservation District* should review the grading.

Attorney Shurts remarked that the only mechanism for payment would be to set up an escrow for this purpose. Chairman Pfeiffer stated the Board has to take action on the Resolution this evening but the action should be conditioned upon the applicant being made aware of the change. Attorney Shurts said the Board should approve the Resolution and he will contact Alex Mikos and Eric Rupnarain of Goldenbaum Baill and notify them of the change in the Resolution regarding the establishment of an escrow.

Mr. Shute expressed dislike with the previous suggestion that *the Township Engineer **and** the Hunterdon County Soil Conservation District* should review site grading saying he wasn't happy with the word and. Attorney Shurts remarked that the Board has no say as to whether or not the Hunterdon County Soil Conservation District has to review a plan. He indicated they will automatically review the plan if it meets specific criteria.

Chairman Pfeiffer summarized that there are no other changes to the Resolution except for paragraph 4 on page 12 which will change *Construction Official* to *Township Engineer* and the additional language regarding the establishment of an escrow account.

A motion by Haug, seconded by Baldino to approve Resolution PB#2010-12 subject to the noted changes was unanimously approved by roll call vote.

Attorney Shurts was excused from the meeting at this time, 8:34 PM.

Applications

There were no applications listed on the agenda.

Unfinished Business

Status of Plan Endorsement

Chairman Pfeiffer commented that he had spoken to Planner Hintz who informed him that there was no updated information at this time.

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

Chairman Pfeiffer noted that the Board was provided with a few draft elements: Land Use Plan Element, Sustainability Plan Element and Utility Plan Element. Each one was reviewed with various comments and suggestions made.

Land Use Plan Element – Chairman Pfeiffer mentioned that the housing unit chart on page 8 will be replaced with the chart contained in the recently adopted Housing Element which is more up to date. It was noted that under the Environmental Characteristics section, Mr. Haug is reviewing the old Master Plan, the Natural Resource Inventory (NRI) and the Hydrogeologist's report done in 2002 by M2 Associates for consistency. The proposed land use section will include the items discussed last year

that were a part of the Master Plan Reexamination report and a number of issues identified by Zoning Officer Lonnie Baldino.

Sustainability Plan Element – Ms. Van der Veen commented that her reexamination group had reviewed the Sustainability Plan Element prepared by Banisch Associates for Bernards Township. Mr. Shute suggested the element be called the Environmental Sustainability Plan Element which is how it is currently referenced in the first paragraph of the document. Chairman Pfeiffer remarked the title should be consistent with whatever it is called in the Municipal Land Use Law (MLUL). Ms. Van der Veen noted that the Sustainability Plan Element is a blueprint containing concepts that should be reviewed going forward to establish incentive programs and/or guidelines. Chairman Pfeiffer noted there is grant money available for establishing sustainable elements on individual properties.

Utility Plan Element – Mr. Storcella commented that his reexamination group had reviewed several issues including sewers and infrastructures. He noted their intention is to keep sewers out of West Amwell. Chairman Pfeiffer stated one big difference between now and 2003 is that there is an approved Wastewater Management Plan that says there will be no sewers or package plants within the Township and it has been approved by the State. Mr. Storcella added that the group also discussed household trash, the additional fees for garbage removal and the Hunterdon County hazardous waste clean-up facility. Chairman Pfeiffer suggested something could be added in the Utility Plan Element specifically related to electronics clean-up since the lines are so long at the County. He also noted that he had brought this matter up at a Township Committee meeting last year and he thought Township Clerk Olsen was looking into the possibility of the County rotating clean-up locations rather than always having it at the Route 12 location. Mr. Haug suggested reviewing some type of local collection effort.

Mr. Storcella said the group also discussed the possibility of available grant money for peat (septic) systems. He commented that there seems to be quite a few homes that appear to be in need of some help. Mr. Haug noted there was correspondence in the Board Member's packets from the County Planning Board regarding a County septic system inventory database. Chairman Pfeiffer remarked that it would be nice to see a copy of the inventory when the Township receives it.

Mr. Rich commented on a County meeting he attended for new Planning Board members several months ago where Economic Plans were discussed. He suggested that West Amwell may want to consider having an Economic Plan as part of their Master Plan. Chairman Pfeiffer remarked that the MLUL would need to be reviewed to first see what the components of such a plan would be. Mr. Shute noted that Economic Plans are in the MLUL as optional plans that can be included in the Master Plan. Mr. Rich noted that the Township is struggling financially and a plan should be established but commented he wasn't sure if this was a Planning Board matter or not.

Ms. Van der Veen asked if the Economic Plan was discussed at the County in terms of Township finances or in terms of ratables. Mr. Bergenfeld commented that he understood the topic as being based on ratables to cover the Township financials. Ms. Van der Veen remarked there used to be money coming in from the franchise tax but not anymore. Chairman Pfeiffer suggested the Board could review plans from other Townships if they are available and perhaps some of that information could be

used as a blueprint for West Amwell to develop an Economic Plan. Mr. Haug remarked that the economic base of the Township is not such that it would make sense to devote a lot of hours into a plan. Mr. Fisher commented that an economic study would determine what type of town West Amwell will be. He noted that in another couple of years it is going to be difficult to sustain such departments as the Police and other service areas. Chairman Pfeiffer stated the Planning Board is a land use Board and the Master Plan is a land use element. He said if you look at what has happened in every other town in New Jersey, some have gone chasing ratables and what they found was that it did not decrease their tax burden but actually had an opposite effect. Mr. Rich indicated that he thought it would be wise to plan for the Township's financial future because next year will likely be worse than this year due to financial constraints.

Chairman Pfeiffer commented that the problem in New Jersey is that over the last several years there have been a number of State mandates and Court decisions that have led to a redistribution of money from the rural and suburban districts to the cities. He said the current proposal from the Governor is a continuation of the same. Ms. Van der Veen cautioned who ever reviews model Economic Plans to be aware that they may not be applicable to West Amwell.

Chairman Pfeiffer remarked that he had had a conversation several years ago with an appraiser they use for Open Space and Farmland Preservation where they discussed the difference in valuation between commercial property vs. residential property. Chairman Pfeiffer indicated it was the Appraiser's feeling that residential zoning actually increases property value because there just isn't a lot of demand for commercial property in this area. Mr. Bergenfeld noted that the Quick Chek property is assessed at \$1.5 million and he thought it was only about 2 acres. Ms. Van der Veen remarked that the Kari Drive properties were built several years ago and only a couple units have actually been sold. Mr. Haug added that is the same case with the Mt. Airy properties. Mr. Fisher said there is no population here. Chairman Pfeiffer commented on the roads saying that there is population on Route 31 with truck traffic, but Route 179 is more of a local road that is suitable only for local business because most people won't drive 20 – 30 minutes to do business in West Amwell. He said he didn't think West Amwell could build their way out of the economic problems, and indicated there may be some type of tourism/agricultural opportunities that could be explored. Mr. Rich commented that the Township can't tax their way out of the problem either. Mr. Fisher noted that the Township needs to start researching or they will be faced with figuring out what will be called West Amwell in a few years. He referred to an article in the Star Ledger regarding State consolidation plans. Ms. Van der Veen commented that it is the small communities that are doing a better job of keeping things on track than the larger communities.

Mr. Rich noted he will review the option of having an Economic Plan in the Master Plan and report back to the Board next month.

With regard to the Recreation Plan Element, Mr. Shute commented that he and Tom Molnar had met with Parks and Recreation last week and they provided them with a current version of what is contained in the Master Plan. The Parks and Recreation people will review the section and get back to Mr. Shute and Mr. Molnar with comments. Mr. Shute noted they would like to add some information regarding formal trails within the Township.

Discussion – Master Plan Amendment Update: Farmland Preservation Update

Chairman Pfeiffer commented that Special Planner Linda Weber is still working with Tim Brill from the County on revisions to the Farmland Preservation Plan which will then be sent to the State.

Correspondence

Chairman Pfeiffer reminded the Board Members that their State Financial Disclosure forms must be turned into the Township Clerk's Office by the end of the month. He also noted a copy of the Board's current budget was provided. His final comment was regarding a letter dated 3/16/10 received by Board Attorney Shurts regarding the Globe Associates property. Chairman Pfeiffer said he saw no reason for Bender Realty to return to the Planning Board for any approvals associated with their seeking final certificates of occupancy if they had met all of the conditions of approval outlined in the Resolution.

Approval of Minutes

The Board reviewed the minutes from their 3/16/10 meeting and the following revisions were noted: Page 2, paragraph 4: *The lot, which is deed restricted by a prior subdivision done on this tract nearly 30 years ago, will have access from Wilson Road.*

This sentence will be changed to read: **Existing Lot 4 is deed restricted by a prior subdivision done nearly 30 years ago such that any future subdivision must have access from Wilson Road.**

Page 8, paragraph 5: The word *simple* will be changed to **simply**.

Page 10, paragraph 4: *...providing the names of property owners within 200 feet of the subject property on the plan and...*

The words on the plan will be added.

Page 11, paragraph 6: The name of property owner **Janet Zuzov** will be changed to be spelled correctly in this paragraph and throughout the remainder of the minutes.

Page 12, paragraph 4: *...to close to the public...*

The words *to the public* will be changed to **the public hearing**.

Page 14, paragraph 7: *...Attorney Shurts gets a monthly stipend because he does a lot of work outside the meeting, specifically phone calls and paying an hourly rate might cost more.*

The words and paying an hourly rate might cost more will be added.

A motion by Bergenfeld, seconded by Van der Veen to approve the Board's 3/16/10 minutes with the noted revisions was approved by roll call vote with Mr. Fisher abstaining.

Adjournment

A motion by Bergenfeld, seconded by Fisher to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:29 PM.

Maria Andrews, Planning Board Secretary