

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
December 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 December 16, 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  
Tom Molnar  
Sean Pfeiffer  
Hal Shute  
Chester Urbanski  
Joan Van der Veen  
Zach Rich – Alt. #1 – *(arrived at 7:33 PM)*  
Rich Storcella – Alt. #2  
Attorney Shurts

**Excused:** No one

**Approval of Bill List**

A motion by Haug, seconded by Baldino to approve the vouchers for payment as listed on the 12/21/10 bill list was unanimously approved by roll call vote.

## **Applications**

It was noted that there were no applications listed on the agenda.

## **Unfinished Business**

### **Public Hearing – Master Plan Amendment – Recreation Plan Element, Circulation Plan Element and Adoption of Natural Resource Inventory (NRI) as an Appendix to the Master Plan**

Attorney Shurts noted for the record that the proper public notification was provided as required under the Municipal Land Use Law (MLUL). Attorney Shurts indicated the public notice will be marked as Exhibit PB-1, the mailing receipts will be marked as Exhibit PB-2 and the published notice will be marked as Exhibit PB-3.

Chairman Pfeiffer opened the floor to public comment. Cathy Urbanski of the Environmental Commission noted that, concerning the NRI, Appendix 5 (Woodlands Ordinance) and Appendix 6 (Stream Corridor Ordinance) are dated and suggested that a note be made on each appendix to refer people to the official Code of West Amwell. The Board agreed with the suggestion. Ms. Urbanski also noted that Appendix 8 (Smart Growth Management Plan) is hundreds of pages and suggested a note be made that the appendix is on file in the Township Clerk's Office for review. The Board agreed with this suggestion as well.

Seeing no other members of the public come forward, a motion by (Chester) Urbanski, seconded by Van der Veen to close the floor to public comment on this matter was unanimously approved by roll call vote.

A motion by Haug, seconded by Fisher to adopt the amended Recreation Plan Element, Circulation Plan Element and adopt the NRI as an appendix to the Master Plan was unanimously approved by roll call vote.

Chairman Pfeiffer thanked everyone for their services in volunteering their time to review and amend the Master Plan Elements.

A motion by Storcella, seconded by Van der Veen to approve Resolution PB#2010-16: Master Plan Amendment (Circulation and Recreation Plan Elements and Natural Resource Inventory Addendum), as revised, was unanimously approved by roll call vote. For the record, the revision to number 4 in the Resolution will read as follows: Cathy Urbanski of the Environmental Commission appeared at the public hearing. She noted that appendices 5 and 6 related to the Woodlands Ordinance and Stream Corridor Ordinance respectively relate to earlier ordinances and in each case would be appropriate to refer to the current Township Code. An entire copy of appendix 8 (The Sourland Smart Growth Management Plan) will remain on file in the Township Clerk's Office.

### **Discussion – Draft Ordinance Establishing Standards for Renewable Energy Facilities**

Present for this discussion was Cathy Urbanski of the Environmental Commission. Ms. Urbanski explained the Environmental Commission prepared the renewable energy ordinance based on the ordinances in Kingwood Township, NJ, Hillsborough Township, NJ, Ocean City, NJ and the State and

Federal standards for wind and solar energy. The Board reviewed the draft ordinance created by the Environmental Commission, page by page. The following comments were noted:

1. The use of the term “renewable energy” will be used throughout the ordinance instead of alternative energy
2. When referring to solar components, the definition will include “panels and all other types”
3. The State standards will be spelled out to include that an applicant must provide their prior years energy bills (12 months) with their renewable energy application
4. All specific references to “permitted” and “conditional” uses will be changed to “use standards”
5. It was noted that under 20 acres of proposed solar in the light industrial zone will fall under the conditional use requirements and over 20 acres of proposed solar in the light industrial zone will be considered permitted
6. It was the consensus of the Board to require a 50’ buffer in all zones for renewable energy projects
7. It was the consensus of the Board to require renewable energy projects to be minimally visible from public traveled roadways, open space and preserved land
8. It was the consensus of the Board to establish an 8’ maximum allowed height for fencing associated with renewable energy projects
9. Signage must be posted at renewable energy sites identifying the responsible party for the site
10. It was the consensus of the Board to allow gravel driveway access to renewable energy sites
11. Environmentally responsible maintenance plans must be implemented with renewable energy sites
12. It was the consensus of the Board to discourage the use of stone for erosion control of renewable energy sites. It was specifically noted that an entire renewable energy site cannot be covered with stone
13. It was the consensus of the Board to incorporate language in the renewable energy ordinance requiring applicants to demonstrate “limited glare” associated with their projects
14. Lighting plans must be included with all renewable energy applications
15. Construction plans must include mounting techniques and descriptions of all on-site construction
16. It was the consensus of the Board to consider adding language in the ordinance that specifically bans the use of cadmium telluride solar panels because they may contain carcinogens
17. It was the consensus of the Board to establish a 15’ maximum allowed height for ground mounted solar panels
18. The Board asked that Ms. Urbanski verify the language in the State Statutes regarding the abandonment of a renewable energy project – 180 days vs. 12 months
19. It was the consensus of the Board to have Attorney Shurts research the possibility of implementing a lien into the decommissioning plan of renewable energy projects and propose language to be incorporated into the ordinance
20. It was the consensus of the Board to include language in the ordinance allowing for the Zoning Officer to monitor the decommissioning of renewable energy sites
21. It was the consensus of the Board to request an Environmental Impact Statement be included with all renewable energy applications

With regard to wind turbine systems, the following comments were noted:

1. Attorney Shurts was asked to research whether or not the Township has to allow large wind energy systems on parcels less than 20 acres, noting currently there are no Township standards
2. It was the consensus of the Board to establish noise standards not to exceed 55 decibels
3. Roof top mounted wind turbines shall not exceed 10' in height
4. It was noted that Ms. Urbanski will clarify with Planner Hintz whether or not there is a maximum allowed height for free-standing turbines

Chairman Pfeiffer opened the floor to public comment.

Randy McDaniels of 18 Ferris Wheel came forward and expressed appreciation for the Planning Board's due diligence in quickly establishing a renewable energy ordinance and encouraged them to implement height restrictions for both wind and solar facilities.

Chairman Pfeiffer noted the next step is for the professionals to review the draft renewable energy ordinance. He noted that Attorney Shurts' fees would be covered under his regular monthly fee so no additional budgeting would be required. Chairman Pfeiffer commented that Engineer Clerico had indicated his review of the ordinance would cost between \$550.00 and \$950.00 and Planner Hintz estimated his review would be about \$900.00. Chairman Pfeiffer remarked that he had spoken to CFO Luhrs about these costs and as of 2 weeks ago the Planning Board had approximately \$1600.00 left in their budget but some additional invoices had since come in. It was suggested to allow Engineer Clerico about 2 hours to review the ordinance and Planner Hintz about 4 hours to review the ordinance.

#### **Discussion – Community Facilities Plan Element Update**

Chairman Pfeiffer explained that an updated draft was distributed this evening. He noted that he updated the Police Department employment numbers based on information that he had received from Clerk Olsen but intends to meet with Steve Bartzak of the Police Department and/or Kevin

Snyder of the Rescue Squad for further details. Chairman Pfeiffer added that the school information has been updated. He noted that on the chart for the elementary school, he noticed they did not subtract out the special education numbers from the kindergarten through sixth grade enrollment. Chairman Pfeiffer indicated he will continue working on a revised draft for review at next month's meeting.

#### **Discussion – Economic Plan Element Update**

Mr. Shute provided an updated chart reflecting vacant properties and commercially zoned properties in the Township. He noted he will continue to work on the Plan. Chairman Pfeiffer asked if there was any additional research done on how renewable energy facilities can be taxed. Mr. Shute indicated he is working with Tax Assessor Gill to determine how assessment of these types of facilities will be done. Mr. Baldino commented that in some Townships it has been determined that only the poles used for mounting solar panels can be taxed, not the actual panels themselves. The Economic Plan Element will be placed on the Planning Board's next month's agenda for further discussion.

### **Discussion – Revised Fee Ordinance Suggestions from Zoning Officer Baldino**

Mr. Baldino commented that he compared East and West Amwell's fee ordinance and made some adjustments based on East Amwell's fees. It was noted that there was an increase in the fees associated with reviewing major and minor subdivisions, site plans, telecommunication installations and applications requiring variances associated with subdivision and site plan approval. The suggested fee ordinance revisions will be forwarded to Attorney Shurts for his review and comment.

### **Status of Plan Endorsement**

Chairman Pfeiffer noted there was no update on Plan Endorsement.

### **New Business**

#### **Discussion – 2011 Planning Priorities and Budget Requirements**

Chairman Pfeiffer indicated he had met with CFO Luhrs to discuss this matter. He noted the following areas he believes the Board should review in 2011:

1. Conditional Use Standards – He noted the general standards section is of limited enforceability which many Board professionals have pointed out. Chairman Pfeiffer indicated he believes this section to be of importance especially with the time of decision law going into effect in March 2011. He commented that if the Ordinance is not consistent with current State Statutes, the Board may not have any standards for review or any mechanism for enforcement. Attorney Shurts noted the importance of having enforceable conditions associated with conditional uses so that the Township is not suddenly faced with a permitted use that was never intended.
2. Economic Plan Element
3. Renewable Energy Facilities
4. Open Space Plan Update – including updating the map in the Master Plan
5. Community Facilities Plan

Chairman Pfeiffer commented that the estimated costs for these items not including the renewable energy ordinance is approximately \$5500.00. Mr. Rich commented that he had recently heard a statement indicating that for every \$10,000 the Township spends, it must generate 5 million in ratables.

Chairman Pfeiffer remarked that the alternative is to say these conditional uses are not permitted. He noted that currently there are no standards for some of the uses and if the Township is going to permit them, the standards must be updated. He specifically noted the public utilities issue saying Zoning Board Planner Tony Mercantante indicated this needs to be reviewed. Chairman Pfeiffer stated that he doesn't believe Mr. Mercantante thinks the current application before the Zoning Board is a public utility, but the Zoning Board Attorney disagrees. Chairman Pfeiffer commented that when you have professionals disagreeing it suggests that the ordinance needs to be clarified.

Chairman Pfeiffer suggested the Board members review the proposed budget list he provided so a list of 2011 Planning Board priorities can be established at next month's meeting.

### **Discussion – Question Regarding Sign Ordinance Impact on Temporary/Election Signs**

Mr. Shute noted this matter can be tabled until next month's meeting for discussion.

### **Discussion – Model Ordinance: Fencing to Support Agricultural Production**

Mr. Baldino commented that he doesn't believe farmers should have to come in for fencing permits, but all fencing should have a permit so this matter needs to be discussed. He noted that when farmers request 8' agricultural fencing to protect crops he is forced to send them to the Board of Adjustment because the maximum allowed fence height is 6'. Chairman Pfeiffer remarked that this was identified in the Master Plan as something that needs to be addressed. He indicated the model ordinance Mr. Baldino provided refers to fencing being erected according to an Agricultural Management Plan (AMP) and then notes that an AMP is being developed so there are no standards. Chairman Pfeiffer suggested the Board wait to see what the State and County Planning Board develop so West Amwell doesn't have to develop the standards themselves.

Mr. Baldino will advise the Planning Board when the State and County have a more formal recommendation. It was noted that Mr. Baldino will share the information with the Agricultural Advisory Committee for their input and comments.

Mr. Bergenfeld asked if the current Ordinance couldn't be changed to simply reflect that agricultural fences don't require a permit. Chairman Pfeiffer commented that a height limitation would need to be specified and noted they would still have to find money in the budget to make the change.

It was then noted that Mr. Baldino will revise the existing fence ordinance to address agricultural fencing for Attorney Shurts to review. This matter will be placed on the Planning Board's next month's agenda for further discussion.

Mr. Rich asked about next year's meeting schedule. He suggested starting the meetings at 7:00 PM. Chairman Pfeiffer indicated this matter could be discussed further after the regular Board business has concluded.

### **Recreation and Open Space Inventory (ROSI) Update**

Chairman Pfeiffer explained periodic updates on the ROSI are required per Green Acres regulations. He noted the changes made since last year include the addition of the Kilmer and Machinga acquisitions. Chairman Pfeiffer commented the ROSI needs to be executed by the Planning Board Chair as well as the Mayor.

A motion by Van der Veen, seconded by Haug to authorize the Planning Board Chair to sign the ROSI was unanimously approved by roll call vote.

### **Correspondence**

It was noted that a copy of the D& R Canal staff report regarding Block 8 Lot 23.03 which was received by the Planning Board should be sent to Board of Adjustment Secretary Ruth Hall because the application is actually before the Zoning Board.

With regard to changing the Planning Board meeting start time to 7:00 PM, it was noted that this has been brought up in the past and board members often express conflict with work commutes. Mr. Storcella suggested the Board start their meetings at 7:00 PM and consider concluding Board business

by 9:30 PM. It was the consensus of the Board to keep the regular meeting start time of 7:30 PM in consideration for the time it takes the Board Secretary to set up for the meetings.

Mr. Storcella indicated this may be his last Planning Board meeting and he expressed appreciation for Chairman Pfeiffer and the great job he does running the meetings. He also commented on the wonderful job the Board's Professional do each month and he thanked everyone for the opportunity to serve on the Planning Board.

Chairman Pfeiffer extended appreciation to the Board's Secretary, the Board's Professional and all of the Board Members for their hard work this past year. He wished everyone happy holidays.

Mr. Shute asked Attorney Shurts if the 5 acre potential solar project on the municipal property has to go before the Planning Board for review. Attorney Shurts commented that he will review the matter and get back to the Board with an answer.

Attorney Shurts was excused from the meeting at this time, 11:10 PM.

### **Approval of Minutes**

Upon review of the Planning Board's 11/16/10 minutes, the following revisions were noted:

Page 9, paragraph 6 – The heading *Establishing Standards for Solar **Farms***, the word Farms will be changed to Facilities.

Page 12, paragraph 1 – The word **que** will be changed to the correct spelling of queue.

A motion by Haug, seconded by Urbanski to approve the Planning Board's minutes from the 11/16/10 meeting as revised was unanimously approved by roll call vote.

Mr. Urbanski thanked Chairman Pfeiffer for all of his knowledge and for all that he does for the Planning Board.

### **Adjournment**

A motion by Van der Veen, seconded by Urbanski to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 11:16 PM.

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Maria Andrews, Planning Board Secretary