

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
May 18, 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 May 13, 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

George Fisher

John Haug

Tom Molnar

Sean Pfeiffer

Hal Shute

Chester Urbanski

Joan Van der Veen

Zach Rich – Alt. #1

Attorney Shurts

Excused: Stephen Bergenfeld

Rich Storcella – Alt. #2

Approval of Bill List

Chairman Pfeiffer noted that the bill on last month's bill list for \$399.00 from Van Cleef Engineering will not be approved for payment because the work for this invoice was not authorized to be done. It was noted that the Township Committee was in agreement with this determination and that Engineer Clerico was made aware of the situation and accepted the Board's position.

A motion by Haug, seconded by Van der Veen to approve the vouchers for payment as listed on the 5/18/10 bill list, with the exception of the Van Cleef Engineering bill 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 reviewed the Resolution with the Board noting that the document had been revised to include the comments of the Board Members from the last meeting, the comments of the Board's professionals and the comments received from Mr. Lucarini's attorney Don Scholl.

The following changes were noted:

1. A typographical change in paragraph 10 – (subdividedd to subdivide).
2. Paragraph 14 was changed to provide additional definition on the waiver request regarding the woodlands on the property.
3. Paragraph 19 was revised to better clarify the existing deed restriction on the property.
4. Paragraph 26 (a) was added to incorporate description requirements of the wetlands buffers on Lot 4.02.
5. Paragraph 31 was revised to reflect that the 2 trees in the driveway area can be removed without triggering the need for any woodland management plan.
6. Condition 2-d was clarified to read, "Outstanding items in that report (*referring to Engineer Clerico's report*) are items 3-a, 3-b, 3-c (as to additional grading details only) and 4-a." It was noted that 4-c was deleted and most of 3-c.
7. Condition 2-h was clarified to include that a note will be added to the plan stating that the removal of the two oak trees by the driveway will not require a woodland management plan.
8. Condition 2-j was clarified to include the deed for Lot 4.02 will include a metes and bounds description of the wetlands and wetlands buffer areas located on the lot.
9. Condition 3-b was added stating, "The property owner or the applicant will submit a plot plan which clearly demonstrates whether or not the proposed house and improvements constitute a major project under local and state stormwater regulations, that plot plan will be reviewed and approved by the Township Engineer. The applicant or successor will establish an escrow account with the Township to cover the cost of municipal review of stormwater management implications and final plot plan including the driveway plan."

Attorney Shurts commented that the plan will show that a house and a driveway can be built on Lot 4.02 without triggering the need for any state stormwater management application to the New Jersey Department of Environmental Protection (NJDEP). He indicated that it is because of the applicant's ability to demonstrate that a house can be built that he does not have to apply for the approvals at this time. He noted that since no one knows for sure when a house may be built on the lot, it is possible that the state stormwater regulations may be triggered in the future and if that happens there must be a review.

Mr. Urbanski said that he was uncomfortable with all of the changes that had been made to the Resolution. Chairman Pfeiffer remarked that there have been other instances when Attorney Shurts has presented last minute changes based on feedback he has received from applicant's attorneys. Chairman Pfeiffer asked if there was a statutory requirement to take action on the Resolution within a certain time frame. Attorney Shurts commented that the Board should take action this evening. Mr. Shute asked about the appeal time frame after which time someone could challenge the Board's decision. Attorney Shurts explained that anyone can challenge the Board's decision up to 45 days of the date of publication of the memorialization of the Resolution.

Chairman Pfeiffer asked Mr. Lucarini if he had any comments. Mr. Lucarini said no.

Ms. Van der Veen commented that she feels comfortable with what was discussed regarding the Resolution, but indicated she was not comfortable with the transition between the discussion and the paperwork. Chairman Pfeiffer suggested that the Board take action on the matter this evening, and the final version of the cleaned up Resolution can be forwarded to the Board Members within a day or so. Attorney Shurts commented that he thought he had sent the final version of the Resolution. Ms. Andrews noted that the email she received from Attorney Shurts yesterday did not have the Resolution attached to it. Attorney Shurts stated he will email a clean final version of the Resolution to Ms. Andrews tomorrow. The Resolution will then be forwarded to all Board Members to review for typographical errors only. It was understood that no comments can be made regarding the content of the Resolution.

A motion by Haug, seconded Van der Veen to approve Resolution PB#2010-11 was approved by roll call vote with Mr. Urbanski abstaining.

Chairman Pfeiffer commented that the Board had received correspondence on this application regarding a deficient escrow. He noted that the Board is required to adopt the Resolution within a certain time frame but the professionals will not do any additional work on the application until the escrow is replenished. Mr. Lucarini indicated he understood.

Mr. Shute asked if there was any update on the Burgess easement modification matter regarding their progress with the NJDEP. Attorney Shurts commented that he was not aware of any progress and clarified that Township Attorney Faherty would be involved with this matter at this point.

Attorney Shurts was excused from the meeting at this time, 8:18 PM.

Applications

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

Unfinished Business

Status of Plan Endorsement

Chairman Pfeiffer commented that Planner Hintz has still not heard anything from the Office of Smart Growth (OSG).

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

Chairman Pfeiffer noted that the Board was provided with copies of the Historic Preservation Plan Element and the Utility Plan Element.

Mr. Shute asked how the review of the various Master Plan Elements was going to come to a conclusion. Chairman Pfeiffer commented that once the Board is comfortable with a final draft of each section then the elements will be scheduled for public hearing. Mr. Shute suggested a deadline be established to wrap things up otherwise he expressed that he thought the matter would drag on continuously. Chairman Pfeiffer remarked he had no problem with trying to establish a deadline. Mr. Fisher suggested a monthly deadline be determined for each element of the Master Plan. Chairman Pfeiffer noted that the final drafts for each element must be reviewed by Planner Hintz prior to public hearing.

Mr. Urbanski provided a page by page review of the Historic Preservation Plan Element noting that Ruth Hall had provided a lot of assistance with this section. He noted that photos had been added with a very detailed inventory list of each historic site including block and lot identification as well as a street address and a brief description of the structure. It was noted that the map included in the Master Plan identifying historic sites throughout the Township needs to be updated and corrected because it is not accurate.

Mr. Shute asked if being part of the historic site listing impacts the property owner's ability to renovate their homes and related structures. Mr. Urbanski commented that he believes there is something in the Master Plan indicating if a property is located within the historic district they should consult with the Historic Preservation Committee prior to doing any work. Mr. Baldino remarked that he recently received a demolition application for a home built in the 1800's. He said the house had caught on fire and the owners had gotten a permit to demolish part of the home and now they are requesting to demolish the entire structure. Mr. Baldino said there is no mechanism preventing him from issuing the permit. Mr. Urbanski expressed that he would like to see a time period of 30 days implemented which would provide enough time for the property owners to be informed of the historic impact of the structure they wish to demolish. It was noted that ultimately no one can stop a property owner from demolishing a historic structure.

Mr. Rich commented that the banister on the Washington Rock was cut out. Chairman Pfeiffer explained that the banister was removed by the State prior to the dedication ceremony because it was thought to be unsafe.

Chairman Pfeiffer suggested that the 30 day waiting period regarding the demolition of historic sites should be included as a recommendation in the Historic Preservation Plan Element. The Board agreed with this sentiment.

Mr. Urbanski handed out a draft narrative of a history page to be included in the beginning of the Historic Preservation Plan Element for the Board to consider. Chairman Pfeiffer requested the Board Members read over the document and send any comments they may have to Mr. Urbanski.

Review of Utility Plan Element

Chairman Pfeiffer noted the 2003 Master Plan had many obsolete items that have since been updated. Mr. Shute commented that the paragraph regarding the water supply within the Township is incorrect. Ms. Van der Veen asked if the Matt Mulhall (M2) report referenced in the water supply paragraph could be more specifically identified. Chairman Pfeiffer remarked that the M2 report is an attachment to the Master Plan. Ms. Van der Veen suggested the report be referenced in some way to direct readers of the Master Plan to the actual report.

Ms. Van der Veen also commented on including language that would address taking water from the Township's supply. She specifically referenced issues in surrounding municipalities such as the most recent application in Delaware where an applicant proposed bottling water. Chairman Pfeiffer expressed that he believed Ms. Van der Veen's concerns would be more appropriately addressed in the Land Use Element rather than the Utility Plan Element.

Ms. Van der Veen then suggested a discussion on developing some type of educational program to help people better understand septic management. She said septic systems continue to be a big problem both financially and environmentally. Mr. Shute cautioned that the Township must be careful not to make it sound or appear that they are providing any financial assistance for septic repairs. Chairman Pfeiffer indicated this was part of the reason why the County Health Department had recommended reserve septic systems.

Mr. Molnar commented that the recycling information contained in the Utility Plan Element is great and should be copied and distributed. Mr. Fisher noted this information is provided by the Recycling Committee with corresponding recycling dates. It was suggested that electronic clean-up days and Township clean-up days should be reviewed and considered.

Mr. Shute remarked that the cost of the trash permits should be removed since they are unknown from year to year.

Mr. Haug suggested including something in the Utility Plan Element regarding cell towers.

There was some discussion on gas lines within the Township and it was the consensus of the Board to include a description or reference of all utilities within the town.

Chairman Pfeiffer noted he would forward all of the Board's comments on to Mr. Storcella for consideration into the Utility Plan Element and asked if there were any comments from any other work groups. Ms. Van der Veen noted she was having difficulty getting together with the other people in her group and that the review work was going slowly. Mr. Shute noted his group (Parks and Recreation) will be meeting next week and they will likely have a draft next month for the Board to review. Chairman Pfeiffer suggested that any groups who have had their rough drafts reviewed by the Board should try and submit a final draft for next month to keep the process moving.

Mr. Rich commented that he had researched drafting an Economic Plan for the Township. He said the Board is within its jurisdiction to create an Economic Plan according to the Municipal Land Use Law

(MLUL) if the Board deems such a plan appropriate. Mr. Rich indicated he had obtained two examples of Economic Plans: One from Wall Township dated 1999 and one from Moorestown dated 2009. He noted that Clarke Caton Hintz drafted the Moorestown plan and our Board Planner, Carl Hintz is part of that same firm. Mr. Rich thought this plan was good because it stated the facts and set goals and objectives. It was the consensus of the Board for Mr. Rich to send an email out with the link to this particular Economic Plan for the Board to review.

Mr. Shute commented that the Sourlands group has been reorganized and is starting to meet again. He suggested that the Planning Board follow their progress because they are doing area planning and suggested the Board get copied on their minutes. Mr. Molnar indicated he had a copy of their minutes and would forward them to Ms. Andrews for distribution to the Board. Ms. Van der Veen noted that the Sourland Planning Council has created a guide on taking care of the Sourlands for people who live in the Sourland Mountains. Ms. Van der Veen expressed that she believes there may be relevant information in this guide that could be used for educational materials in West Amwell Township.

Discussion – Master Plan Amendment Update: Farmland Preservation Plan

Chairman Pfeiffer commented that Planner Linda Weber is still working on final revisions to the Plan.

Correspondence

Mr. Shute commented that the article in the NJ Planner newsletter (April 2010 edition) had an interesting article on the Council on Affordable Housing (COAH) recommending that it be dissolved and municipalities would be responsible for developing their own plans. Chairman Pfeiffer remarked that every one of these reform plans says that municipalities are still going to have to provide low and moderate income housing and the Township is going to have to figure out how to do it. Chairman Pfeiffer noted that one of the articles he read indicated the Township will still have to do a Housing Element which must be updated every six years and it will be approved by the County Planning Board. Chairman Pfeiffer explained that if the Housing Element is approved by the County and the Township gets sued over it, the State Attorney General is supposed to defend the Township.

Mr. Molnar commented that he didn't believe the Planning Board needed to meet this evening. Chairman Pfeiffer indicated the Board had to meet because there was a Resolution of approval on the agenda. Mr. Molnar remarked that Attorney Shurts didn't seem thoroughly prepared with the Resolution and that if the Board has another light agenda he feels the meeting should be cancelled. Chairman Pfeiffer commented that if there were no Resolutions listed on the agenda he would have cancelled. He stated the Board is under a statutory requirement to adopt a Resolution within a certain time of taking action. Mr. Molnar added that Attorney Shurts gets a certain monthly fee whether or not the Board holds a meeting and there is no reason to let him leave early. He also suggested that this particular language in the Attorney's contract should be reviewed in the future. Mr. Fisher agreed. Chairman Pfeiffer commented that if there are no applications next month than he may cancel the meeting so everyone can continue working on reviewing their sections for the Master Plan Reexamination Report.

Approval of Minutes

The Board reviewed the minutes from their 4/21/10 meeting and the following revisions were noted:

Page 1, paragraph 5: The word *question* will be changed to **questioned**.

Page 3, paragraph 5: *Chairman Pfeiffer commented that he recalls a non-binding recommendation made by the Board **that the Planning Board recommends** that the Governing Body request...*

The words that the Planning Board recommends will be deleted.

Page 6, paragraph 4: *...the difference in valuation between **highly** commercial property vs. residential property.*

The word highly will be deleted.

A motion by Van der Veen, seconded by Baldino to approve the Board's 4/21/10 minutes with the noted revisions was approved with Molnar and Urbanski abstaining.

Adjournment

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

The meeting adjourned at 9:25 PM.

Maria Andrews, Planning Board Secretary