

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
October 19, 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 October 14, 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
John Haug
Sean Pfeiffer
Hal Shute
Chester Urbanski
Joan Van der Veen
Zach Rich – Alt. #1
Rich Storcella – Alt. #2
Attorney Shurts
Planner Hintz

Excused: George Fisher
Tom Molnar

Approval of Bill List

Mr. Bergenfeld commented that Engineer Clerico's \$1100.00 bill to review a concept plan for the Ziegenfuss project seemed like a lot of money. Chairman Pfeiffer remarked that the applicant had established an escrow based on her request to be able to meet with Engineer Clerico prior to the Planning Board meeting to discuss her project and he noted that the applicant had in fact met with Engineer Clerico and had several conversations with him regarding her proposal in an effort to finalize her plans. Ms. Van der Veen commented that based on the questions and comments at last month's Planning Board meeting, it was probably money well spent and the applicant likely learned a lot of things she wasn't aware of.

A motion by Haug, seconded by Van der Veen to approve the vouchers for payment as listed on the Board's 10/19/10 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 Amendments – Land Use Plan Element, Conservation Plan Element, Historic Plan Element, Utility Plan Element and Sustainability Plan Element

AND

Public Hearing: Master Plan Amendment – Comprehensive Farmland Preservation Plan

Attorney Shurts had suggested these two public hearings be merged into one hearing. He noted that in each case the Board is dealing with amendments to the Master Plan and the noticing requirements are the same and he drafted one Resolution for the matter. Attorney Shurts noted that the notices to the newspaper regarding the public hearings will be marked as Exhibit A-1, the notices/mail receipts sent to the neighboring municipalities will be marked as Exhibit A-2 and the notices/mail receipts sent to the County Planning Board will be marked as Exhibit A-3. Attorney Shurts stated that the Planning Board had jurisdiction to proceed with the public hearing(s) on this matter.

Chairman Pfeiffer noted the following clean-up items: Ms. Andrews had prepared a corrected cover sheet titled *Master Plan Amendments not Reexamination Report of the Master Plan*. In the Historic Preservation Plan the map should be labeled as Figure 7 to be consistent with the current Master Plan and in the appendices of the Farmland Preservation Plan there is a copy of the old existing land use and zoning map which will be updated with the new maps being considered as part of the Land Use Element this evening.

Chairman Pfeiffer opened the public hearing noting there was one member of the public present, Ron Shapella. He asked Mr. Shapella if he had any comments. Mr. Shapella indicated he did not. Chairman Pfeiffer asked for any comments from the Board. Mr. Shute remarked that he had a comment on the preserved properties table included in the Farmland Preservation Plan (FPP). He suggested that the actual names of private land owners not be included since they frequently change. Chairman Pfeiffer remarked that he thought the State Agriculture Development Committee (SADC) had asked for property owner's names to be included. It was the consensus of the Board to include a note as part of the table indicating the names of the property owners were correct *at the time of acquisition*.

Mr. Baldino commented that Tax Assessor David Gill updates the Township Block and Lot ownership information frequently.

Ron Shapella commented from the public saying he is glad to see the Master Plan Amendments being done at such a minimal cost to the Township and the tax payers.

Chairman Pfeiffer noted that the cost to the Planning Board for Planner Hintz to review the Master Plan Amendments to date is approximately \$2500 including the mapping updates. He added that the Board discussed the maps last month noting that the Lot lines in the Calton Development do not reflect all of the parcels/divisions and he explained that the existing map is current with what the County Planning Board has. He said that the Township's previous Planner did not create a Geographic Information System (GIS) map, but rather an AutoCAD format and overlaid it on top of the existing map. Chairman Pfeiffer explained that in order to get the map in a usable format, someone would have to manually input/draw all of the Lot lines which is cost prohibitive and he suggested the Township try to get the County to update the map. Planner Hintz commented that the County routinely updates maps so this will likely happen in the near future. He also suggested that the Board utilize the County's printing office, located behind the Route 12 complex, to print the final amendments in an effort to save money.

A motion by Haug, seconded by Van der Veen to close the public hearing was unanimously approved by roll call vote.

Chairman Pfeiffer summarized the following revisions to the Master Plan Amendments and the FPP: The corrected cover sheet, adding a label (Figure 7) to the map, correcting the two maps in the appendices of the FPP and adding the note to the inventory on the FPP regarding ownership.

A motion by Urbanski, seconded by Baldino to approve the Land Use Plan Element, Conservation Plan Element, Historic Plan Element, Utility Plan Element, Sustainability Plan Element and the Comprehensive Farmland Preservation Plan was unanimously approved by roll call vote.

Chairman Pfeiffer thanked the following people for all of their time and effort in reviewing and revising the elements: Joe Kowalski, Ron Shapella, Ruth Hall, Martha Shea and Cathy Urbanski.

Mr. Shute asked if the SADC has approved the FPP yet. Chairman Pfeiffer commented that the FPP is scheduled for formal approval at the SADC's November meeting but the Planning Board needs to adopt it first. He also expressed delight over the Board unanimously approving the amended elements.

Approval of Resolution PB#2010-14 Regarding the Adoption of Various Master Plan Elements

Attorney Shurts commented that he had prepared a Resolution on this matter prior to the meeting and noted the following changes based on this evening's comments: Paragraph 5 will be changed to read, "At the October 19, 2010 meeting one member of the public, Ron Shapella attended and offered a brief positive comment regarding the Plan. Since the Board Members were already familiar with the individual plan elements and maps, no extended discussion of these elements and maps took place at the public hearing. One additional note was added to the FPP element." Next to the last

paragraph in the *Be it Further Resolved* section will be changed to read, “Be it Further Resolved that all current exhibits from the Township of West Amwell Master Plan of 2003 and all current amendments to the same including those adopted on 2/9/04, 10/18/05, 11/21/06 and 11/18/08 are hereby retained and shall remain in full force and effect with the exception of items specifically mentioned above.”

A motion by Baldino, seconded by Van der Veen to approve Resolution PB#2010-14 was unanimously approved by roll call vote.

Discussion – Review of Draft Sign Ordinance from Planner Hintz

Chairman Pfeiffer noted that due to recent litigation, the Board Planner and Attorney suggested that the language in the Master Plan and the existing sign ordinance be updated to protect the Township from billboards and other types of signage not conducive with the character of West Amwell.

Planner Hintz added that he has recently been involved with the revision and updating of sign ordinances in Union Township, Greenwich Township, Bethlehem Township, Lebanon Borough, the Town of Clinton and Clinton Township which are all along the Route 78 corridor. Planner Hintz noted that this corridor has become a hot spot for companies to pursue billboards. He said that the draft Ordinance contains several “whereas” clauses that were formulated by Bill Brinton who is a nationally known Attorney out of Jacksonville, FL who has been fighting billboard signs throughout the Country and he consulted with Union Township, Greenwich Township, Lebanon Borough and Clinton Township to help them draft Ordinances appropriate for their communities. Planner Hintz commented that the whereas clauses contained in the Ordinance he drafted for West Amwell are important to establish the basis for the sign Ordinance to be consistent with the Court cases and present litigation occurring regarding billboards in other areas. He noted that the essence of the existing sign Ordinance throughout the various zones within the Township remains the same. Attorney Shurts remarked that these types of Ordinances must be done properly in order to ensure the Township is protected from Constitutional/Free Speech argument challenges.

There was some discussion by Board Members regarding specific types of signage. Mr. Haug remarked that Heritage Village routinely blankets the Township with signs tacked to utility poles several times a year and he believes it to be an eyesore. Mr. Shute stated that this draft Ordinance is heading toward requiring permits for all signage. Planner Hintz indicated that is correct unless signage was granted by an application before one of the Boards. Mr. Baldino commented that it is better to have an Ordinance in place so enforcement can be taken.

Mr. Urbanski asked hypothetically how farm stands will be affected by this proposed draft sign Ordinance. After some discussion, Mr. Shute remarked that there appears to be an exception for agricultural signs in the existing Ordinance (page 10) and Planner Hintz clarified that agricultural signs are defined on page 13 of the draft Ordinance and they do not require a permit.

Upon reviewing the draft sign Ordinance presented by Planner Hintz, it was the consensus of the Board for Planner Hintz to revise the following items:

1. Address the issues raised by Attorney Shurts regarding Section 16-II indicating this section doesn't seem to correspond to the Township's existing Ordinance

2. Make the wood and stone existing sign standards consistent throughout the Ordinance
3. Page 20, #18 a reference needs to be added exempting "No Hunting/Trespassing" signs as provided in section 109-126C
4. Page 25 a comment was made regarding section 109-128A, specifically to remove O-1 and O-2 as designated areas allowing accessory signage and adding the LHC area
5. Page 26, remove section E which references time and temperature signs
6. Changing all current references to the *Mayor and Township Committee* in the draft Ordinance to just *Township Committee*

There was some discussion on other aspects of the sign ordinance. Mr. Bergenfeld commented on portable signs. It was noted that portable signs are not currently allowed under the ordinance and in order to develop standards to allow them it would cost money that hasn't been budgeted for. Mr. Bergenfeld also commented on commercial vehicle signage and referenced page 20 in the draft ordinance questioning why a vehicle parked for more than 2 consecutive hours would be considered a sign. He noted that there are a lot of self employed business people within the community who leave their commercial vehicles parked on their property. Mr. Haug commented that the ordinance indicates signage of more than 10 sq. ft. Mr. Bergenfeld and Mr. Rich both remarked that there are business owners in the Township with box trucks and 10 sq. ft. is only a 2' x 5' sign that could easily be contained on the side of a regular sized Econoline Ford van. Mr. Bergenfeld stated he has an issue with this aspect of the sign ordinance.

Mr. Baldino clarified that the existing ordinance allows for one commercial vehicle to be parked on private property. He commented if there is more than one commercial vehicle, the assumption is a business is being run out of the home.

Chairman Pfeiffer noted that when the Board discussed updating the sign ordinance, the direction given to Planner Hintz, due to budget constraints, was to simply update the existing sign standards. He commented that his concern is that \$1000 has been budgeted to update the existing sign ordinance and it isn't a lot of money to work with especially if the Board wishes to develop standards for signs that are not currently allowed.

Planner Hintz clarified that the draft ordinance states a vehicle shall not be considered regularly used in the conduct of business or activity if the vehicle used is primarily for advertising or for the purpose of advertising. He explained this is different than a business owner bringing a truck home from work.

Chairman Pfeiffer remarked that the sign standards can be revisited at some point in the future and commented that right now it's important for the Township to protect itself from potential litigation because the existing ordinance may put the Township at risk. Ms. Van der Veen agreed and stated she doesn't see things in the newly revised ordinance that would preclude the Township from continuing to do things the way they are currently being done because of enforcement. Chairman Pfeiffer added that there are areas of the zoning ordinance that need to be reviewed, particularly the conditional use standards. He noted that due to financial situations the Board must be selective on what is focused on and commented that conditional use standards may need to be a priority next year because the existing ordinance may not be enforceable unless something is done to update it.

It was noted that Planner Hintz will make the noted revisions to the sign ordinance and it will be forwarded to the Township Committee for adoption.

Status of Plan Endorsement

It was noted that no updated information was provided on the status of Plan Endorsement. Planner Hintz remarked that he believes it will be eliminated. Chairman Pfeiffer noted that as a courtesy, after the SADC adopts the Township's Farmland Preservation Plan, a copy of the approved FPP along with a copy of the SADC Resolution should be forwarded to Barry Abelman of the Office of Smart Growth.

Planner Hintz was excused from the meeting at this time, 8:34 PM.

Discussion – Recreation Plan Element

Mr. Shute commented that he had met with the Parks and Recreation Committee who provided some grammatical/language suggestions but did not make any substantive changes from what was reviewed by the Planning Board last month.

Chairman Pfeiffer remarked that he likes that the Plan identifies that the Open Space Plan needs to be updated since this has already been identified as a goal. There was some discussion on the elimination of equestrian trails. Ms. Van der Veen noted that she believes removing equestrian trails from the Plan is a good idea.

There was some discussion on whether or not to include the Recreation and Open Space Inventory (ROSI) in this element. It was the consensus of the Board not to include it. Chairman Pfeiffer remarked that the Open Space map in the Master Plan needs to be updated, noting it was last revised in 2006. He suggested that the Planner should provide an updated map that can hopefully be paid for out of the Open Space Trust Fund rather than the general budget.

Ms. Van der Veen noted that there are a number of bicyclists in West Amwell and suggested some sort of road courtesy guidelines should be established to be included in the Recreation Plan. Mr. Haug noted that there is a website devoted to sharing the roads (sharetheroadsafely.org) and Chairman Pfeiffer commented that some language regarding cycling could be included in the Circulation Plan Element.

It was noted that Mr. Shute will revise the Recreation Plan Element and send it to Planner Hintz for his review so it can be listed on the Board's November agenda for final draft review.

Discussion – Circulation Plan Element

There were some minor comments made regarding the increase in traffic volume on some of the County Routes in the Township. Ms. Van der Veen remarked that there is a reference to Rock Road East and West in the road classifications and she suggested that it be specific to say *Rock Road East* and *Rock Road West*. It was noted this Element will be sent to Planner Hintz for his review and listed on the Board's November agenda for final draft review.

Discussion – Community Facilities Plan Element

Chairman Pfeiffer noted that Rob Tomenchok will be assisting with review of this Element. He indicated he, Mr. Tomenchok and Ms. Van der Veen will try and get together sometime next week to begin reviewing this Element.

Discussion – Economic Plan Element

Mr. Shute commented that his group is still reviewing data and will coordinate with Tax Assessor David Gill for additional input.

New Business

Planning Board Review of an Ordinance Amending Chapter 109 – Stream Corridor Protection

Chairman Pfeiffer explained this Ordinance was introduced by the Township Committee at their October meeting and noted that he believed the public hearing for it will be in November. He said the Ordinance is amending one section of the existing Ordinance regarding hardship applications. Chairman Pfeiffer noted that because this is a section of the Zoning Ordinance it must be reviewed by the Planning Board.

Mr. Shute remarked that the existing map was not part of the original Ordinance. Chairman Pfeiffer explained that the map is part of the Natural Resource Inventory (NRI) and should be adopted as an appendix to the Master Plan. It was noted that this matter will be listed on the agenda next month and Chairman Pfeiffer asked everyone on the Board to review the NRI between now and the November meeting so a discussion can take place on adopting the NRI as an appendix to the Master Plan.

A motion by Van der Veen, seconded by Urbanski to deem the ordinance amendment consistent with the Master Plan and recommend adoption by the Township Committee was unanimously approved by roll call vote.

Discussion – Proposed SADC Regulations: Right-to-Farm: Agricultural Management Practices for the Construction, Installation and Operation of Solar Energy Facilities, Structures and Equipment on Commercial Farms

Chairman Pfeiffer noted he wanted this information from the SADC distributed so the Board was aware of what the State is considering with regard to renewable energy facilities. There was some discussion on properties that are Farmland Assessed and how solar “farms” may effect that assessment. Ms. Andrews referred to the Board’s September meeting minutes noting that Planner McManus indicated assessment of these properties would be left up to the Tax Assessor for determination. Chairman Pfeiffer referenced page 2 in the SADC document noting that the property owner must provide evidence from the local Tax Assessor that the land used for energy generating facilities, equipment and structures shall be considered land in an agricultural or horticultural use or actively devoted to agricultural or horticultural use for the purposes of the Farmland Assessment Act.

Ms. Van der Veen remarked that she had attended a workshop last week regarding land use specific to solar uses and it seems that property owners who install solar “farms” become commercially designated and until they dismantle the solar panels they no longer hold their Farmland Assessment.

She also remarked that it was explained that the mounting poles are considered commercial whereas the solar panels are considered personal property and do not figure into the ratable taxes.

Chairman Pfeiffer updated the Board saying the Ziegenfuss solar “farm” application is going to be heard by the Board of Adjustment and commented that the Finance Committee members are now able to have discussions with the applicant if they wish to being that the potential conflict of interest with some Finance Committee Members also serving on the Planning Board is no longer an issue.

Other Business

Chairman Pfeiffer commented that Mr. Baldino is currently reviewing the existing fee ordinance. Mr. Baldino remarked that other Townships seem to have higher rates for fees and escrows, specifically for informal concept reviews of Planning Board applications. The consensus of the Board was to have Mr. Baldino review both the fee and escrow amounts in the existing ordinance and prepare a revised draft for review at next month’s meeting.

Attorney Shurts was excused from the meeting at this time, 9:26 PM.

Approval of Minutes

A motion by Haug, seconded by Urbanski to approve the minutes with no revisions noted was unanimously approved by roll call vote.

Chairman Pfeiffer updated the Board by noting that the Engineer’s position for the Township and the Board(s) will be published soon with the deadline for proposals being 11/10/10. He commented that since this date is after the election and assuming Mr. Rich is elected to the Township Committee, they needed to select a different interview committee because both Mr. Rich and Mr. Fisher couldn’t be involved with interviewing potential Engineers if they are also both on the Township Committee.

Adjournment

A motion by Baldino, seconded by Bergenfeld to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:33 PM.

Maria Andrews, Planning Board Secretary