

**MINUTES**

**PRESENT:** J. Abel  
M. Augustine  
R. DeCroce  
D. Haywood  
J. Lutz  
J. Mathieu  
T. Siano  
J. Strasser  
S. Zdepski  
J. Harabedian, Alt. #1  
L. Herrighty, Alt. #2  
R. Lorentz, Engineer  
D. Pierce, Attorney

**CALL TO ORDER**

The meeting was called to order by J. Lutz at 8:00 PM.

**NOTIFICATION**

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Delaware Valley News and Express Times and sent to the Hunterdon County Democrat, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

**NEW AND DPENDING MATTERS****Approval of Minutes**

It was moved by D. Haywood, seconded by T. Siano and carried to approve the minutes of January 10, 2006 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except R. DeCroce, who abstained.

It was moved by D. Haywood, seconded by T. Siano and carried to approve the minutes of January 31, 2006 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Lutz and J. Strasser, who abstained.

**Resolutions**

It was moved by J. Mathieu, seconded by D. Haywood and carried to adopt **Resolution No. 2006-02 – Zgurzynski, Block 28, Lot 12 – Boundary Line Adjustment**. All members present voted **AYE** on **ROLL CALL VOTE**, except R. DeCroce, who abstained.

It was moved by D. Haywood, seconded by M. Augustine and carried to adopt **Resolution No. 2006-03 – Viscardi, Block 1.02, Lot 14.02 – Boundary Line Adjustment and Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**, except R. DeCroce, who abstained.

**Mitchell – Block 19, Lot 14.02 – Amendment to Approval**

G. Watts, attorney for R. Mitchell, was present for the application this evening. The reason for his appearance is to seek an amendment to the subdivision approval for the remaining lands, with the burden of maintaining the access way to be removed from the remaining lands and only be assessed on the new owners. Lot 14.02 does not utilize the Class III driveway.

D. Pierce stated the matter was brought before the Board earlier and he had advised the Board that there was no need for Lot 14.02 to have anything to do with the common driveway since they were not using the driveway. The Board has received a letter from Mr. Pantel, the owner of the lots along the Class III driveway, granting his consent to R. Mitchell's request. It would be appropriate, if the Board were so inclined, to adopt a resolution amending the prior approval.

G. Watts reviewed the map for the Board members. Lot 14.02 is in the corner and has its own access to Union Road. Lot 14.02 would not use the common driveway. Mr. Pantel wrote a letter advising the Board of his approval. There are currently two ways to get into Lot 14.02.

It was moved by D. Haywood, seconded by J. Strasser and carried to approve the amendment to prior approval. All members present voted **AYE** on **ROLL CALL VOTE**.

G. Watts requested the Board grant the applicant an additional time to file the deeds.

It was moved by R. DeCroce, seconded by T. Siano and carried to extend the time to file the deeds an additional sixty days. All members present voted **AYE** on **ROLL CALL VOTE**.

**DeSapio – Block 6, Lot 9 – Minor Subdivision**

G. DeSapio was present for the application this evening. Also present was K. Baill, applicant's engineer.

G. DeSapio stated the applicant proposes to create a two lot minor subdivision for family use for his children, who are adults now. The subdivision complies with all the current ordinance requirements. There is a joint access way indicated by hash marks on the right side of the drawing. The reason for the joint access way is because there is an existing culvert that permits the crossing of the stream to reach the backlands of the property. The only practical way to reach the back of the property is over the culvert. All three lots effectively have the ability to travel over the ROW. The ROW would be used currently for farming and recreation purposes. Lot 9.01 will utilize the same proposed driveway as Lot 9.

J. Lutz called for comments from the public. No response was heard.

It was moved by J. Mathieu, seconded by D. Haywood and carried to approve the above applications with conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

**CDMA, Inc. – Block 19, Lot 10 – Extension to File**

J. Mathieu commented he would like to request an applicant to be present when they are requesting an extension to file.

After some discussion, it was moved by J. Mathieu, seconded by S. Zdepski to require an applicant to be present when requesting an extension to file the deeds. **ROLL CALL: AYES** – M. Augustine, J. Mathieu, J. Strasser, S. Zdepski; **NAYS** – J. Abel, D. Haywood, J. Lutz, T. Siano, J. Harabedian; **ABSTAIN** – R. DeCrose; **ABSENT** – None. Motion failed.

G. DeSapio was present for the applicant.

It was moved by S. Zdepski, seconded by D. Haywood and carried to grant a 190-day extension to file. All members present voted **AYE** on **ROLL CALL VOTE**.

**Schick – Block 14, Lot 39 – Extension to File**

D. Pierce stated C. Schick wrote a letter to the Board requesting an extension of time to file the deeds due to difficulty of obtaining a Letter of Interpretation from the DEP.

After some discussion, it was moved by D. Haywood, seconded by T. Siano and carried to table the matter until the March meeting and to request C. Schick provide proof of an application to the DEP. All members present voted **AYE** on **ROLL CALL VOTE**.

**Van Holten – Block 28, Lot 11 – Determination of Completeness**

P. Wolfson was present on behalf of the Van Holten Group. The applicant had appeared at the January meeting. They have presented revised plans this evening. The application has two less lots with an average of 4.27 acres. The proposed road servicing this

subdivision will be a public road. The applicant is seeking a determination of completeness this evening.

R. Lorentz stated a couple of technical issues exist that he would like to review with the applicant's engineer such as how the lots and ROW easement are displayed on the plat. He stated, since the interior road is now a public road, the applicant can reduce the ROW to 40', which might give more flexibility in the design. He would encourage the applicant to utilize the best management practices. He does not see any impediment to consider the application for completeness.

In response to questions from the Board members, M. Ardman from the Reynolds Group offered four wells were drilled by their hydrologist and the other locations are proposed. The conservation easement shown on the plat will be first offered to the DEP and then to the Township, as a secondary. Lot 11.04 has about 1.5 to 2 acres of non-constrained land.

J. Babey, principle in Van Holten Group, stated the yields on the wells averaged twenty gallons per minute.

P. Wolfson stated there would be a Homeowner's Association to maintain the detention basins. R. Lorentz stated it has been the policy of the township to fence larger basins. The applicant agreed to fence the basins.

R. Lorentz stated the maintenance is a zoning issue as to the conditions of approval on the subdivision. There would be a right, but not an obligation, for the township to go in and maintain the basins, if necessary, and bill the Homeowner's Association.

The Board suggested access to Lot 11.01 be from the interior road and the house set back further from Route 519.

S. Zdepski stated the COAH contributions on the project would be approximately \$250,000.

P. Wolfson stated the MLUL calls for a completeness hearing. The purpose of the hearing is to determine completeness of the application. The applicant has complied with the checklist items. He stated at the public hearing, the applicant would be responsive to the comments of the Board. The applicant will cause notice to all the property owners, as required by the ordinance and will comply with the requirements of the ordinances. The applicant has come forward with a totally compliant plan, except for the existing barn and outbuilding. They have met every requirement of the checklist. He stated the applicant would work responsibly and completely with the board.

D. Pierce stated he has received a letter from P. Althoff, Township hydrologist, indicating it is her opinion the testing complies with the ordinance requirements for testing and to the issue of completeness determination. D. Pierce stated the application is found in compliance.

It was moved by J. Abel, seconded by J. Mathieu and carried to determine the application be deemed complete. All members present voted **AYE** on **ROLL CALL VOTE**, except S. Zdepski, who voted **NAY**.

The matter was scheduled for public hearing at the March 14, 2006 meeting.

#### **Tumble Partnership – Block 32, Lot 10 – Determination of Completeness**

The applicants were present for the matter.

After a lengthy discussion on the completeness of the application, it was moved by J. Mathieu, seconded by J. Strasser to determine the application incomplete due to the lack of the north arrow on Sheet #4, the requirement of the plans to be legible, lack of the road names on the key map, lack of the key on Sheet #4 and Sheet #3 should be consistent in presentation with Sheet #4. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **First Unitarian Universalist Church – Block 2, Lots 16, 17 & 19 – Determination of Completeness**

M. Subber was present for the determination of completeness this evening.

After a lengthy discussion, it was moved by J. Mathieu, seconded by D. Haywood and carried to determine the application incomplete due to the failure to provide proof of payment of taxes for Block 2, Lots 16 & 17, failure to provide a list of property owners within 200' of Block 2, Lots 17 & 19, the need for a lot depth variance for proposed Lot 19, a possible conflict of interest of H. Gergar being the owner of the lot in question and signer as Vice-President of the Oak Summit School. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Laurelton-Belmont – Block 22, Lot 17 – Major Subdivision – Public Hearing**

T. Miller, attorney, D. Nenna, principle, B. Casuscelli, principle, J. Symonds, engineer and G. Sniffin, surveyor, were present for the application this evening. T. Miller stated the applicant received preliminary subdivision approval by Resolution No. 2005-04. The applicant acknowledges all the conditions of the approval apply and the applicant will be bound by those conditions.

D. Pierce has reviewed the Affidavit of Publication and Service and has determined the applicant has satisfied the notice requirements. The Board may exercise jurisdiction and open the hearing.

R. Lorentz stated the applicant is working from Resolution 2005-18, which granted amended approval on July 12, 2005. The reference on the final plat needs to indicate the correct resolution number.

D. Nenna was sworn in by D. Pierce.

D. Nenna testified the status of Lot 17 is the wetlands permit approvals and transitional waivers have been granted and copies have been provided to R. Lorentz. The applicants have Delaware Raritan Canal approval. County approval is in progress. The applicants don't formally have their approval to date but the culvert issue has been resolved.

R. Lorentz stated the county's position is a change to the culvert would only be required to provide more road width for where the township road crosses over it. They are not concerned about the capacity of the culvert. To alter the culvert would be virtually impossible under the current regulations. The County's thought is to have the applicant protect the culvert with a guardrail. There is adequate width on the top of the culvert to pass over and a discussion is to settle on a plan that protects the traveling public from the ditches and the end of the culvert. DEP will not permit upsizing the culvert under any circumstances. This particular subdivision has very minimal impact, positive or negative, on the flow in that particular stream. Most of the drainage from this property goes into the opposite direction and those facilities have been approved by the DEP and my office. When adjoining Lot 16 is developed, it will have a similar stormwater management facility, which will have an impact on the stream. There are mandated reductions on stormwater run off. The applicant has provided a detailed engineering cost estimate for the improvements in the subdivision and along Barbertown Point Breeze Road. R. Lorentz is in the process of reviewing the documents, granting approval for the on-site and off-tract improvements and making a recommendation to the Board and Township Committee on the scope and amount of the off-tract obligations for the developer. R. Lorentz is contemplating recommending improving the entire frontage of this tract along Barbertown Point Breeze Road with a pavement of twenty feet. The other side of the road will be an off-tract improvement as related to this subdivision since it is not on the property's frontage, along with improvements extending from this property along Barbertown Point Breeze to Route 12. The scope of the improvements to be associated with this development is a minor widening over most of the length, installing drainage where necessary and the creation of adequate stabilized shoulders. The percentage would be based on the percentage of the lot count to the total estimated lots that could be served by the road.

J. Lutz called for comments from the public. No comments were heard.

It was moved by S. Zdepski, seconded by D. Haywood and carried to grant final approval for the above application. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Honeymar – Block 26, Lot 4**

S. Honeymar was present to request an extension of time to file the deeds. She stated she had problems with her engineer, who did not process the paperwork in a timely matter and deposited an escrow check into his account, and the DEP. She is very near the 190-day time limit.

It was moved by J. Mathieu, seconded by D. Haywood and carried to grant a 190-day extension of time to file. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Proposed Ordinance – 13-20-2006**

D. Pierce stated the proposed Ordinance is for the Board's review and recommendation for adoption to the Township Committee.

After some discussion, it was moved by S. Zdepski, seconded by J. Strasser and carried to recommend adoption of proposed Ordinance No. 13-20-2006 with the changes indicated in the attached letter. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Joint Planning Board/Board of Health Meeting**

The Board of Health is requesting a joint meeting with the Planning Board to discuss the current well ordinance. The Board of Health requested the meeting be held on March 14, 2006 at 7:00 PM. The Planning Board was in agreement of the meeting.

### **Plat Requirements**

J. Lutz inquired if the Board was interested in making a policy to require the plats to be legible, all the cuts depicted facing north and a certain size letter for the plat.

After some discussion, the Board authorized D. Pierce to prepare a suggested policy and report to the Board next month.

### **CORRESPONDENCE**

J. Lutz reviewed as per the agenda.

### **Training Requirements**

R. DeCroce inquired how the training for the Board members would progress.

D. Pierce commented the State has not adopted the regulations of the specific training requirements and any programs being offered are premature. The Board members have 18 months after the rules to complete training.

### **PRIVILEGE OF THE FLOOR**

J. MacConnell requested the Board require a person to drill the well first before you build the house. He would like to see a monitor on Copper Creek and trip tickets be provided when septic systems are installed to ascertain the proper amount of fill is being installed.

W. Pandy requested the Board require excavators, who are performing perc tests, be required to replace the sub-soil first and then the topsoil.

**ADJOURNMENT**

It was moved by J. Strasser, seconded by D. Haywood and carried to adjourn the meeting at 11:38 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**