

MINUTES

PRESENT: J. Abel (8:09 PM)
 M. Augustine
 R. DeCroce
 D. Haywood
 J. Lutz
 J. Mathieu
 T. Siano
 J. Strasser
 S. Zdepski
 L. Herrighty, Alt. No. 2

ABSENT: J. Harabedian, Alt. No. 1

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 PENDING MATTERS

Approval of Minutes

It was moved by T. Siano, seconded by D. Haywood and carried to approve the minutes of November 14, 2006 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except M. Augustine and R. DeCroce, who abstained.

It was moved by T. Siano, seconded by D. Haywood and carried to approve the minutes of November 28, 2006, with the correction L. Herrighty was absent. All members present voted **AYE** on **ROLL CALL VOTE**, except L. Herrighty, who abstained.

Resolutions

It was moved by D. Haywood, seconded by M. Augustine and carried to adopt **Resolution No. 2006-38 – Hinrichsen – Block 28, Lots 12, 12.01 and 12.03**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006- 39 – Smith – Block 37, Lot 9**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-40 – Keegan – Block 15, Lot 2**. All members present voted **AYE** on **ROLL CALL VOTE**, except R. DeCroce and J. Lutz, who abstained.

It was moved by J. Strasser, seconded by D. Haywood and carried to adopt **Resolution No. 2006-41 – Frenchtown Run, LLC, Block 12, Lot 31 – Preliminary** with the following changes:

- Page 11 – Lot #3 was skipped and the lots to be renumbered in sequence;
- Page 15 – 2B - To include a note permanently restricting all lots larger than 4 acres from future subdivision.
- Page 17 – New condition #10 – The applicant shall conduct soil testing in the areas proposed for the underground water storage tanks required by the Fire Department and submit the results to the Board engineer for his review and approval.

Page 18 – Addition to paragraph 15 – The access plan shall include provisions for the placement of caution signs on Horseshoe Bend and Spring Hill Roads during the construction phase of this project and shall also designate one road for incoming construction vehicles and one road as the outgoing road for construction vehicles.

Page 18 - Additional paragraph 16 – The applicant shall include in all of its contracts during the construction phase of the project a clause prohibiting the contractors from littering and including a penalty provision approved by the Board’s professionals.

Page 19 – paragraph 23 – adding the phrase “existing” to describe the public road.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Abel, M. Augustine, R. DeCroce and J. Mathieu, who abstained.

J. Abel entered the meeting @ 8:09 PM.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2006-42 – Frenchtown Run, LLC, Block 12, Lot 31- Final** with the following changes:

Page 5 – in the Resolved clause, substitute “final” in place of “preliminary

Page 11 – in the Finding paragraph, second line, the words “all” and “the” should be reversed and in the unsatisfied conditions, the change should be “include and such conditions of preliminary approval shall be incorporated and made a part of final approval”.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY**, and J. Abel, M. Augustine, R. DeCroce, who abstained.

It was moved by J. Strasser, seconded by D. Haywood and carried to amend **Resolution No. 2006-41** by indicating on page 11 “Lots 1, 2, 4, 5 All members present voted **AYE** on **ROLL CALL VOTE**, except M. Augustine, R. DeCroce and J. Mathieu, who abstained.

It was moved by S. Zdepski, seconded by D. Haywood and carried to adopt **Resolution No. 2006-43 – Horseshoe Bend, LLC – Block 14, Lot 28 – Preliminary** with the following changes:

Page 14 - #4 – the word “road” inserted between public and proposed.

Pages 15, 16 & 17 – Insert “acres” after Lot 15 and include acreage for Lot 43.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY**, and M. Augustine and L. Herrighty, who abstained.

Penn Jersey – Site Plan – Block 15, Lot 8.05

R. Drake requested the portion of his hearing which pertains to the expert witness on the Clivus Multram system be given the opportunity to offer his testimony at this time. The witness is from Lawrence Massachusetts. The application before the Board this evening is for both preliminary and final approval. The applicant has previously submitted their proofs of publication. The expert witness for the Clivus Multram system is Donald Mills.

Donald Mills was sworn in by D. Pierce.

D. Mills testified he is employed by Clivus Multram, Inc., from Lawrence Massachusetts. He has been associated with the company for twelve years and is their sales director. He is familiar with the Clivus Multram system and is able to answer any questions the board may have for him. The system is currently being used in a variety of state parks throughout the state and nature oriented organizations, Audubon, publicly and privately funded. It is approved by the NJDEP for use within New Jersey. The system has been in use in the United States for over 30 years and for 50 years in Europe. The principle concept is aerobic decomposition. There is a polyethylene container where the urine is separated from the solid waste. It is a dry condition. The waste will break down over time. There are a variety of organisms which will break it into solid compounds. There is a reduction in the volume of waste by over 90%. The system does not use water for flushing. There is a 3 oz. foam solution used which will carry the waste through a 4” drain line to the composting unit in the basement. The system does not use a conventional leach field which would allow the nutrients to be deposited downward and into groundwater. The waste is captured within the system itself. It can be used as fertilizer for the soil. It is put into the environment as something useful rather than a pollutant. The water from the sinks will be used for irrigation. Detergents are useful for plant growth. Soap has a fertilizer effect. When the tank is full, it is typically shoveled out through an opening for that purpose into a wheel barrow. The material could be used within the ornamental plants on the property. It would have the appearance of top soil. The process renders human feces into a humus material. There will be three or four composting units in two sizes. The matter is removed by following the maintenance instruction his company provides. Currently, on Highway 93, a

commercial rest stop uses the system. The DEP allows the system to be used in residences. The waste will be put back onto the property. The products of the system are not contaminated but organic. It differs from the discharge from a sewer treatment plant because there are no heavy metals in the end result. There is no opportunity for industry to add to the waste stream or combined sewer and storm systems to enter. The benefits are putting nutrients into the soil, conserving water, managing the soil and enhancing the soil. The urine would be applied more sporadically as a fertilizer. The system does not generate heat above 90 degrees. The gas, CO₂, is aerobic and does not generate any sewer or toxic gases. There is a continuously operated fan. The fan will be installed 2' above the roof peak and discharged above the roof peak. It will be a conventional plumbing vent. The waste needs to be applied properly to insure the plants are utilizing the nutrients. The entire system has been studied by the National Sanitation Department and they are satisfied it meets the terms of the standards. The waste products of the system are slow to accumulate. Everything is sized to accommodate the change of seasons. It is stored during the winter months.

Allan Thompson, Van Cleef Engineering, was sworn in by D. Pierce.

A. Thompson testified he is a licensed professional engineer. In regard to the permeability, there is high mottling evidenced where the testing was performed. The system that would be required is a large mound system which would be uneconomical. The Clivus Multram system is not subject to the over-conservationism imposed on the mounding analysis.

In response to questions from Board members, D. Mills stated the waste would not have to be removed more than once per year, usually several years. The maximum waste would be 20 to 40 cubic feet per composter. The volume of liquid waste is roughly a gallon for every 25 uses. There is a storage tank in the basement, approximately 500 gallons. It enters the top at one quality and with the activity in the system, chemical and physical filtration, the outcome is stable, odorless and high in nutrient value. The disposal of the liquid waste can be as simple as a watering can or as sophisticated as a drip line. It is odorless and chemically stable. The system is installed in a Sussex County Park. The owner can maintain the system under his company's training or the maintenance can be done through local contractors. The cost of the installation of the system is between \$10,000 and \$25,000.

The matter was adjourned until later in the meeting.

Blumberg – Extension of Time, Block 19, Lot 3.02

B. Blumberg, attorney for the applicant, and R. Grant, surveyor, were present for the application.

R. Grant stated there were several conditions imposed by the Board when they granted approval in December of 2004. The main condition was a DEP wetlands LOI. The LOI was secured in August of 2006. The delay in approval was the result of additional testing required by the DEP. B. Blumberg requested the Board grant a 180 day extension of time.

It was moved by S. Zdepski, seconded by D. Haywood and carried to grant a 180 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Laura Properties – Minor Subdivision - Block 8, Lot 25.01

G. DeSapio, attorney, was present on behalf of the applicant. It is a two lot subdivision. The application was filed in December of 2005. When the application was originally proposed, there were 2-25' entrances to the lots with a 50' strip between the stems. The Board made comments that the two 25' access ways should be located together. The applicant is requesting two variances:

Lot 25.14 does not have the required 200" lot circle 75' from the front lot line.
The circle is 192.15'.

To have a common entrance for all three lots. The ordinance provides, when you reduce the flag stem to 25' for two lots that are located side by side, there cannot be a 50' flag stem within 400'.

G. DeSapio stated there will be a joint maintenance agreement defining the maintenance of the driveways up to a point of where each lot branches off.

E. Gural commented on the water run off from the lots and the maintenance of the creek. R. Lorentz responded the application will be required to provide a plan and approval to show proper controls of stormwater.

J. Morrison commented on the backup of water during a storm under the bridge. R. Lorentz responded the culvert is the responsibility of the County and he is under the impression the general direction of flow from this site would not be to the east once it gets to Lower Oak Grove Road. The applicant will be required to demonstrate a reduction in flow in storm conditions.

J. Abel left the meeting to obtain the Township's wetlands map.

S. Zdepski recommended the residents attend the Township Committee meeting and express their concerns.

M. Miller commented on the lack of site at the exit of the driveway. R. Lorentz indicated to M. Miller, on the plat, the location of the driveway and the provision for a site easement to keep visibility. R. Lorentz stated the driveway will be paved 25' from the center of Lower Oak Grove Road.

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

Antiskay - Minor Subdivision – Block 13, Lot 13

A. Rylak, attorney, and E. Graines, engineer, were present for the application this evening. A. Rylak stated the applicant is seeking a one lot minor subdivision. The application fully conforms to the zoning ordinance. E. Graines stated there are no wetlands located on the property. The lot numbers indicated on the plat are incorrect and will have to be corrected. The correct lot numbers are Lot 13, existing lands and Lot 13.01 for the proposed lot.

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

Delia – Boundary Line Adjustment, Block 12, Lot 33 & 33.02;

S. and M. Delia were present for the application. They are proposing to change the boundary lines to allow for a building to be on their property.

It was moved by S. Zdepski, seconded by T. Siano and carried to approve the above application with conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

Silverson – Minor Subdivision, Block 7, Lot 14

R. Grant, surveyor, and J. Silverson, applicant, were present for the application. R. Grant stated the application is for two new lots and a Class I lot. All three of the lots will front on Oak Grove Road. The remainder of the property contains 27.5 acres. The second sheet shows a potential future subdivision.

After some discussion regarding the developable lots on the tract, D. Pierce stated the constrained area calculations are based on 7 acres per lot, the requirements of a major subdivision. There is an exception for Class I and Class II lots. For Class I lots 2 acres are required and Class II 4 acres are required. The formula is derived by subtracting out the area for these three lots, which conform to the ordinance, from the 34 acres and divide what is left by the 7 acre per lot requirement. The constrained area calculation understates the ultimate yield on the property.

J. Abel stated if the applicant subdivides this property, in anyway within 3 years, the development fees for COAH would not apply but the growth share contribution would and be applied to the entire tract as well as the lots considered this evening. A pro forma is approximately \$32,000 per lot. When the developer applies for a building permit, a 1% of equalized assessed value fee will be charged. If the lot is further subdivided, after three years, the new activity will be subject to the development fee.

R. Lorentz stated the application might be required to adhere to the storm water management requirements. He stated the lot circles are show within the lines, as required. On sheet one, the constrained area chart needs to be revised to reflect the permitted lots that would be done under this subdivision, 2-4 acre lots and 1-2 acre lot, subtracted from the overall tract and then dividing the rest by 7 for the calculation.

J. Silverson stated he was unable to obtain a site easement on Lot 14.11 from the current owner. R. Lorentz stated the applicant will have to demonstrate there is adequate site distance available without that site easement.

It was moved by D. Haywood, seconded by T. Siano and carried to approve the above application with conditions. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Abel, J. Mathieu and L. Herrighty, who voted **NAY**, and J. Lutz, who abstained.

Kenney – Minor Subdivision, Block 27, Lot 6, Proposed Lots 6.05 & 6.06

G. DeSapio, attorney and J. & R. Kenney, applicants, were present for the application this evening. The applicants are proposing to create two new lots.

In response to a question from a Board member in regard to Lot 6 lot circle, R. Lorentz responded the purpose is to get a lot that is regularly shaped to permit the 200' circle to be inscribed within the normal set back and touching the front set back. The shaded areas are wetlands, which need not be excluded from the circle.

G. DeSapio inquired if the growth share or the development fee would apply to this subdivision. J. Abel responded the development fee would apply.

It was moved by S. Zdepski, seconded by J. Strasser and carried to approve the above application with conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

Lazarek – Minor Subdivision, Block 8, Lot 7.01

A. Rylak, attorney, A. Thompson, engineer, were present for the application this evening. A. Rylak stated the application is a conforming Class II subdivision.

R. Lorentz stated the applicant is seeking a waiver of submitting the actual deeds at this time.

It was moved by S. Zdepski, seconded by T. Siano and carried to grant the requested waiver of not submitting the actual deeds prior to approval. All members present voted **AYE** on **ROLL CALL VOTE**.

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

R. DeCroce recused himself from his position on the Board for the following matter.

DeCroce – Minor Subdivision, Block 26, Lot 22

S. Ombalski, engineer, was present for the matter this evening. The property subject to the application is a 118 acre parcel. The application conforms to the current zoning requirements. The applicant is proposing to create one two acre lot.

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

R. DeCroce resumed his seat on the board at this time.

Tumble Partnership – Major Subdivision, Block 32, Lot 11.02

M. Cresitello, attorney, for the application. The applicant is seeking preliminary approval on Block 32, Lots 10 and 11.02. The application is in connection with a settlement agreement. The application is being judged under the old ordinance rather than the new ordinances. The applicants are seeking approval for a 6 lot subdivision. R. Zederbaum, engineer, for the application is here this evening.

D. Pierce swore in R. Zederbaum.

R. Zederbaum offered his credentials to the Board. The Board accepted his credentials.

R. Zederbaum testified he designed the subdivision plat. The property in question fronts on Tumble Idell Road and consists of two parcels, Lot 10, 23 acres, and Lot 11.02, 35 acres. The proposal is to work on the westerly tract and merging some property with Lot

10. The applicant has an LOI for Lot 10. The applicant is utilizing the provision for lot size averaging of 4 acres per lot. Five of the six lots will front the cul-de-sac road. There have been substantial amounts of revisions to the originally submitted plan and are incorporated in the plat before the Board this evening. There are no variances or waivers requested. The wetlands mapping was done by Environmental Technologies. An LOI has been issued by the DEP. The detention basins are being dug into an existing slope. The plan provides for the berming-up of the front of the pond and the digging out of the back of it. The detention pond will hold water for approximately 18 hours.

As a result of a comment from a member of the Board, D. Pierce stated the aquifer ordinance does not apply to this subdivision. The well ordinance does require a 3-part pump test be performed on each lot before the issuance of a building permit with water quality testing before the issuance of a C.O. There is no basis for the Board to impose any well testing other than what is required under the ordinance. J. Abel stated the Environmental Commission has repeatedly stated to the Board that the Commission's review of the existing wells in the area show there are numerous wells or marginal capacity and the Environmental Commission has encouraged the applicant to test prior to approval. J. Abel stated the Well Water Coordinator was unable to attend this month's meeting and is requesting a continuance until he can testify. R. Cresitello stated there is no legal basis to impose that condition on the application. The proposed application is variance and waiver free. R. Zederbaum has testified there is adequate separation and he cannot see a basis for denial. R. Cresitello requested a moment to speak with his client and engineer. After speaking with his client's R. Cresitello stated they would be willing to conduct the well testing as a condition of approval. D. Pierce stated two wells should be utilized for the aquifer test with Dr. Althoff approving the details.

R. Cresitello, in response to a concern of a Board member, indicated the applicant is willing to work with the professionals on the need and type of fencing around the ponds.

J. Lutz opened the hearing to the public.

E. Schmidt expressed her concern regarding the availability of water in the area.

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

Penn Jersey Educational Radio –Site Plan, Block 15, Lot 8.05

A. Thompson, engineer, for the applicant was present this evening. He testified he has prepared the site plan before the Board this evening. The property is divided by the municipal boundary lines of Franklin Township and Kingwood Township. The lot in Kingwood contains 4.2 acres. The contours on the plat are shown in 6" contours due to the flatness of the property. The property is currently in agricultural use. There will be a curving entrance to the property. There will be 16 paved parking spaces and 6 rear paved parking spaces. The applicant, if the station has an audience, anticipates 150 occupants. There are additional parking spaces, not paved, but with concrete pavers with grass growing through them. The unpaved ones are located opposite of the paved ones in front of the station. An LOI was issued in 1999 and extended in 2004. The LOI references the entire original Lot 8. The wetlands shown are consistent with the ones shown on the map approved by the 1999 delineation. They have an intermediate value requiring a 50' buffer. There are no DEP permits required as the applicants are not disturbing any wetlands. The only other site improvement other than the building is a detention basin. There will be two inlets in the paved area. The soil testing indicates mottling at a high level, less than 12" down.

M. Burns, architect for the project, was sworn in by D. Pierce.

M. Burns offered his credentials to the Board and they accepted them.

M. Burns has prepared a schematic or building plan for the development. It will be an agricultural building type of large spanned buildings in a collective group. The two side components consist of 3,500 sq. ft and the center component 2,600 sq. ft. The center portion will be used as a reception/lobby, public toilet area, storage and green room. The west portion will be the functioning part of the radio-music library, production rooms, service rooms and maintenance rooms. The east portion will be the auditorium space, accommodating 150 people, with not fixed seating, and a raised stage. There is a green building strategy in the design of the building. It will be a pre-manufactured steel frame, stress skin panels, with the exterior siding being a cementitious siding, hardy plank, vertical metal siding with a steel roof and aluminum frame windows. No sprinkler system will be required.

L. Will, engineer, was sworn in by D. Pierce.

L. Will provided his credentials and they were accepted by the Board.

L. Will stated he has been involved in the project since it had been originally planned. It is a 180 guide tower design which was designed by a tower manufacturer. He has checked the proposed system for the FCC rules regarding protection of other stations, the coverage of this station, the marking and lighting of this structure. The purpose of the new tower is to consolidate the transmitting with the studio. The applicant meets the federal requirements of the protection of the general public on the ground. The FAA considers putting a light of this type of tower a hazard. The minimum altitude of any aircraft is 500' over the terrain except when landing. The existing tower is owned by the State of NJ.

E. McKenzie, planner, was sworn in by D. Pierce.

E. McKenzie provided her credentials to the Board and they accepted them.

E. McKenzie stated she has reviewed the ordinance and plans submitted with the application. The property contains 4.2 acres in Kingwood and 1.5 acres in Franklin. The BP zone requires 5 acres. The property received approval of a subdivision in 2004. The application meets all the criteria of the ordinance. The type of development will not generate a lot of truck traffic. It is not a high water user. Any events would be catered from the outside. There is no advertisement done on the station except for public service announcements. They do not advertise products or businesses.

R. Drake stated if the FAA opposes lighting on the tower, they would not be able to place it on the tower.

After some discussion and a polling of the Board members, it was decided to place the siding vertically on the building.

J. Lutz opened the hearing to the public.

J. MacConnell stated the Clivus Multram system has been utilized in the Yorktown Pleasant Road area and has worked.

S. McNichol inquired if there were going to be kitchen facilities in the building. The response was no. She also inquired if cellular features would be placed on the tower. The response was no plans at this time. She inquired about the lighting. A. Thompson stated the lighting will be a low level lighting.

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

Cacciabauda and Lutz – Block 37, Lot 3 - Litigation

D. Pierce stated at the special meeting in November, the Board was served with a subpoena in connection with the litigation on the above referenced matter relating to the sale of a Class III minor subdivision. The Board needs to designate a representative to appear at the deposition to release documents and testify.

It was moved by J. Mathieu, seconded by D. Haywood and carried to designate David Pierce as the representative of the Board to appear at the deposition. All members present voted **AYE** on **ROLL CALL VOTE**.

2006

J. Lutz thanked the Board members for their participation for the past year.

Appointment of Attorney for 2007

D. Pierce stated he has enjoyed working for the Board all these years and does not know what the new year will bring. He feels it would be appropriate, if there are going to be changes, the new board select the attorney at their reorganization meeting.

It was moved by S. Zdepski, seconded by D. Haywood to approve Lindabury, McCormick, Estabrook and Cooper as attorneys for 2007, with D. Pierce representing the Board. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who abstained.

Reorganization Meeting

It was moved by J. Abel, seconded by D. Haywood and carried to schedule the 2007 Re-Organization meeting for January 9, 2007 beginning at 8:00 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

J. Lutz reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by J. Mathieu, seconded by J. Abel and carried to adjourn the meeting at 12:30 AM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschach, Secretary