

**MINUTES**

**PRESENT:** J. Burke  
R. Dodds  
D. Haywood  
W. Kastning  
J. Mathieu  
E. Niemann  
T. Siano  
J. Strasser  
S. McNicol, Alt. #1  
L. Senus, Alt. #2  
T. Decker, Engineer  
D. Pierce, Attorney

**ABSENT:** T. Kratzer

**CALL TO ORDER**

The meeting was called to order at 8:03 PM by J. Mathieu.

**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 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 S. McNicol, seconded by D. Haywood and carried to approve the minutes of June 12, 2007 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Burke, E. Niemann and J. Strasser who **ABTAINED**.

Approval of Minutes of June 12, 2007, Executive Session

It was moved by D. Haywood, seconded by S. McNicol and carried to approve the Executive Session minutes with the following correction:

*Second paragraph – The sentence should end with a “?” mark.*

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Burke, E. Niemann, T. Siano, and J. Strasser who **ABSTAINED**.

### **Resolutions**

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2007-17 – Laura Properties, Block 8, Lot 25.01 – Lower Oak Grove Road**. All members present voted **AYE** on **ROLL CALL VOTE**, except W. Kastning who voted **CAN'T VOTE**.

It was moved by J. Strasser, seconded by D. Haywood and carried to adopt **Resolution No. 2007-18 – Lazarek – Block 8, Lot 7.01 – Oak Grove Road** with the following correction:

*In the first **WHEREAS**, the name is misspelled.*

All members present voted **AYE** on **ROLL CALL VOTE**, except R. Dodds and W. Kastning who voted **CAN'T VOTE**.

It was moved by D. Haywood, seconded by W. Kastning and carried to adopt **Resolution No. 2007-19 – Tumble Partnership – Block 32, Lot 11.02 – Tumble Idell Road**. 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. 2007-20 – Kenney – Block 27, Lot 6 – Hammar Road**. All members present voted **AYE** on **ROLL CALL VOTE**, except W. Kastning who voted **CAN'T VOTE**.

*W. Kastning recused himself from his seat on the board for the following matter.*

Mergott – Block 40, Lot 24 – Byram Kingwood Road – Determination of Completeness

The applicant did not appear for the matter. D. Pierce stated the Board needs to act on a determination of completeness due to statutory time limits.

T. Decker reviewed his memo:

#### **Item #1 – Copy of Plat in Electronic Format**

Copy of the plat in electronic format was not included in the submission package.

#### **Item #12 – Assignment of Lot and Block Numbers**

The applicant has requested a waiver from this item as proposed subdivision is severance exception area. A copy of the Lot Number Assignment has been provided by the Tax Assessor indicating that the original lot number for the remaining lot shall remain and the newly created lot will be Lot 24.01. *Has been provided.*

#### **Item #21 – Contours Topography Within 200 Feet**

The plans show topography surrounding the area of exception, however not the entire 118 acre farm parcel. Our office does not object to granting of a waiver, as the topography shown is adequate for review of the proposed subdivision.

**Item #31 – Certification That Taxes Has Been Paid**

Planning Board Secretary should confirm that appropriate certification has been provided.

**Item #38 – Stormwater Management Plan**

Applicant has requested a waiver from providing stormwater management calculations, as the proposed improvements do not exceed thresholds of ¼ acre addition impervious or one (1) acre of disturbance. Our office does not object to granting of the waiver, however the applicant is advised that the need for stormwater management will be reevaluated prior to the issuance of building permits.

**Item #45 – Affordable Housing Plan**

The applicant has requested a waiver from the affordable housing plan as outlined in their Memorandum of June 14, 2007.

**Item #50 – Proof of Submission to NJDEP for Freshwater Wetlands Letter of Interpretation**

The applicant has requested a waiver for this requirement based on the additional time and cost that would be required. Based on the wetland mapping as prepared by Bohren & Bohren Associates, Inc., there is a substantial amount of wetlands on the proposed lot located within 100 ft of the proposed conceptual dwelling location. While the plans indicate a 50 ft wetland transition buffer, pending the classification of the wetlands by NJDEP, this buffer could increase to as much as 150 ft having a significant impact on the placement of the proposed dwelling. As correctly stated in the closing of Bohren & Bohren's wetland report, the N.J.D.E.P. has absolute authority of determining and regulating wetlands and delineation as subject to review and verification by N.J.D.E.P.

It was moved by R. Dodds, seconded by J. Burke and carried to grant the waivers for Checklist Items #21, 38 & 45 and deem the application incomplete by reason of Checklist Items #1 and #50, Checklist Items #31 and #12 (subject to the development fee ordinance) have been satisfied. All members present voted **AYE** on **ROLL CALL VOTE**.

*W. Kastning resumed his seat on the Board.*

**Route 12 Business Park – Block 15, Lot 8.04 - Determination of Completeness – Conditional Use – Warnco Power Equipment – Route 12****Route 12 Business Park – Block 15, Lot 8.04 - Determination of Completeness – Conditional Use – Fastenal – Route 12**

A. VanVeldhuisen, owner of Route 12 Business Park, was present. He stated the businesses would have approximately 20% of walk-in sales. Most of his business is direct sale to delivery to contractors. There will be limited rentals. The rental equipment would be displayed during the day but brought inside at night. He will not be permitted to store or park any equipment outside.

D. Pierce stated he has spoken with M. DeSapio, zoning officer, about this use. There is a potential for retail components for these uses, both Warnco and Fastenal. Under the zoning ordinance for the BP Zone, retail uses are a conditional use. It imposes a requirement the applicant obtain a determination by the Planning Board. There is nothing in the ordinance about the process. There is no checklist. This is the first time this type of application has come before the Board. The conditions for retail use in the business park zone are the same as those permitted in the HC district, which allows the uses in the VC1 and VC2 Zones. Warnco is currently in the VC Zone on Route 12. Block 15, Lot 8.04 has 400' of frontage along Route 12 along with an access off Route 12. The retail use shall be permitted so long as it is not detrimental to the BP district and with the uses in the

BP district. The Board has to decide if enough information has been provided this evening or if it needs additional information.

After some discussion, the Board requested the operators of the individual businesses be present at the hearing to provide testimony.

It was moved by W. Kastning, seconded by J. Burke and carried to deem the applications for Warnco and Fastenal complete and set a public hearing for August 14, 2007. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Perrotti – Minor Subdivision Block 7, Lot 14.10, Waiver Application – Oak Grove Road**

M. Crisetello of DeFrancisco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, attorney, representing the applicant. The purpose of his appearance is to request the Board authorize the Engineer to issue a letter to the County Planning Board as to the status of the planned improvements on Oak Grove Road. The applicant previously obtained a minor subdivision approval from the Board. As a result of the County approval, the applicant is being requested to improve K123 on Oak Grove Road. The applicant has no problem paying the pro-rata share of the improvements but contends the improvements should be made at the appropriate time. It is not appropriate for the applicant to make the changes to the structure if the Township will be making significant improvements along the road.

T. Decker stated it makes sense to do the culvert when the road improvements are being done. The Township is awaiting DEP approval.

It was moved J. Burke, seconded by D. Haywood to direct T. Decker to write a letter to the County Planning Board advising them of the scope of the township improvements to Oak Grove Road and to indicate the anticipated timing for the commencement and completion of the project. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Laurelton Belmont Properties, LLC/Hidden Orchards Estates – Block 22, Lot 16 – Determination of Completeness - Hammer Road**

D. Nenna was present for the matter this evening. He is requesting the Board determine his application complete and schedule a public hearing.

D. Pierce stated the request is based on the DEP's latest directive, the applicant will be eliminating one of the two cul-de-sacs, reducing the number of lots by 2 and proposing two of the lots share a flag stem driveway off of the proposed new public road. A number of waivers were granted last month. Except for the variance application, the applications for amended preliminary and final approval were complete. The variance application has been submitted. The applicant indicated last month they were proposing the two flag lots based on discussions with T. Decker. It eliminates a new paved road which the Township would be required to maintain.

It was moved by D. Haywood, seconded by T. Siano and carried to determine the application complete. All members present voted **AYE** on **ROLL CALL VOTE**, except E. Niemann, who **ABSTAINED**.

D. Nenna provided a copy of the digital plans.

### Well Ordinance

D. Pierce stated some of the subdivisions previously approved, prior to the adoption of the new ordinance, are now coming in for building permits and they are subject to the new well ordinance and testing requirements for each of the new houses. In trying to administer the ordinance, D. Laudenbach pointed out that the fee section of the ordinance does not adequately address the situation of professional review of the results. The ordinance was written with active subdivisions in mind. There are a number of previously approved subdivisions which have not gotten building permits. A previously approved lot is still required to do the well test. The results are reviewed by the Board of Health and V. Uhl. There needs to be an amendment to the ordinance for both applications fees and professional fees. It was not the intent of the Board of Health to grandfather the previously approved lots. A section "C" can be added dealing with existing lots.

It was moved by J. Burke, seconded by R. Dodds and carried to request the Board of Health to amend the Well Ordinance to provide an application and professional review fees for the well testing requirements on existing lots. All members present voted **AYE** on **ROLL CALL VOTE**.

V. Uhl, Township hydrogeologist, was present this evening. He is working on finalizing the seasonality exemptions for the ordinance with the Board of Health.

A. Hauck stated there should be a mechanism, who is an employee, having enforcement abilities for the requirements of the well ordinance. He will be resigning from his position as Well Water Coordinator due to a possible conflict. He would like to see M. DeSapio be appointed so that he can make sure there is compliance.

D. Pierce stated there is a penalty for violating any provision of the ordinance.

### **Township of Kingwood – Ordinance Amendment**

D. Pierce stated the Township Committee would like the applicants to list the street address as well as the Block and Lot on the plats. The checklist would have to be amended. The Township is looking at consensus from the Board in the form of a recommendation.

It was moved by D. Haywood, seconded by J. Burke and carried to recommend to the Township Committee they amend the checklist to require the indication of the street address on any plat. All members present voted **AYE** on **ROLL CALL VOTE**.

### 2007 Budget Update

The Board discussed the remaining balance of the Other Expense budget line item. It was suggested the matter be discussed by the Planning Board in December. Estimates will be requested from the professionals for their projected work for 2008. This would enable the Board to request the appropriate amount for 2008.

### **CORRESPONDENCE**

J. Mathieu reviewed as per the agenda.

### **PRIVILEGE OF THE FLOOR**

No comments were made.

**ANJEC Grant**

A. Clerico, Banisch & Associates, was present this evening to discuss the ANJEC grant. They should be able to present a draft by the end of July. The first deadline, according to the grant, is November.

S. McNicol and D. Haywood were appointed to work on Conservation Plan Element.

**Ordinance Amendment**

S. McNicol stated last month the Board discussed the notice requirements for minor subdivisions. J. Burke will contact the Township attorney to prepare an ordinance.

**Silverson – Block 7, Lot 14**

D. Pierce advised the Board the above applicant will be submitting a request for an extension of time to file the deeds for next month's meeting.

**ADJOURNMENT**

It was moved by T. Siano, seconded by D. Haywood and carried to adjourn the meeting at 9:41 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**