

MINUTES

PRESENT: M. Augustine
R. Dodds
D. Haywood
T. Kratzer
J. Mathieu
S. McNicol
E. Niemann
L. Senus
J. Strasser
M. Synchron, Alt #1
D. Posey, Alt #2
A. Clerico, Planner
T. Decker, Engineer
D. Pierce, Attorney

CALL TO ORDER

The meeting was called to order at 8:01 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 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 R. Dodds, seconded by M. Augustine and carried to approve the minutes of August 12, 2008 and place on file with the following changes/corrections/additions:

Change - Page 1 – Vote – *E. Niemann requested the record be reviewed in regard to the vote for Galleria. The correct vote should be - All members voted **AYE** on **ROLL CALL VOTE**, except **E. Niemann** and **L. Senus**, who abstained.*

Addition –Page 2 – *S. McNicol requested the following be added under the Rey/Diminick section: “S. McNicol stated to Mr. Rey the property is located in the AR-2 zone, which is an agricultural and single family residential zone and Mr. Rey acknowledged that he understood.”*

S. McNicol commented on the missing number of the COAH unit required in the second sentence in the first paragraph on page 11 of the minutes. It was determined the number was indicated in the minutes. She also commented on the chart on page 12, second column should read maximum building impervious coverage. It was determined the titles in the chart were correct.

S. McNicol questioned under “Privilege of the Floor” the area of prior approvals. She is not sure the letter that was produced came across with the tone that the Board was looking for. She was not sure if it was something to discuss at this point. J. Mathieu inquired if it was a correction to the minutes? She thinks the minutes should be lengthened to reflect what they are relaying. She doesn’t feel that this paragraph covers what was being stated in the minutes fully. R. Dodds stated there was a lengthy conversation about a specific entity, Chris’ Citgo, and it was not reflected in the minutes. D. Haywood stated that there was a problem there. E. Niemann stated that was what prompted the discussion. R. Dodds further stated if you read the paragraph, it is a little ambiguous with what the issue was that brought this up. S. McNicol stated, because she was concerned about misunderstanding, she went through the tape today and took a page of notes that could be edited down from that but just doesn’t think the paragraph gives the flavor of what we were trying to convey in that letter. When she read the letter, she didn’t think it came across with the information that we wanted to portray. She is not sure how the Board would like to handle this.

J. Mathieu stated the matter should be a point of discussion rather than an amendment to the minutes because if it was an amendment to the minutes, we would have to, his suggestion, take the letter and take S. McNicol’s comments and attach them. He thinks the Board should discuss it. He doesn’t think it is technically a question of the minutes. He understands where she is going that the minutes don’t accurately or don’t fully represent the discussion but when we get into the tenor of the letter that was sent then we need to take a look at it. He requested S. McNicol bring it up later in the meeting.

All members voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and J. Strasser, who abstained.

Conservation Plan

J. Mathieu stated the public hearing on the above will not take place this evening due to a defect in the notice. The public hearing has been scheduled for October 14, 2008. There will be some discussion at the September 23, 2008 workshop meeting which is open to the public.

Bunker Hill – Block 22, Lot 16 – Amendment to Prior Approval

J. Mathieu announced the matter will not be heard this evening. It has been postponed until the October meeting.

Resolutions

M. Augustine and R. Dodds recused themselves from their positions on the Board for the following matter.

It was moved by D. Haywood, seconded by S. McNicol and carried to adopt Resolution No. 2008-15 – Rey/Diminick – Block 5, Lot 4 & 5.01 – Boundary Line Adjustment. All members voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and J. Strasser, who abstained.

M. Augustine and R. Dodds resumed their positions on the Board.

It was moved by S. McNicol, seconded by R. Dodds and carried to adopt Resolution No. 2008-16 – BDAC, LLC – Block 23, Lot 17.02 – Barbertown Idell Road – Minor Subdivision. All members voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and J. Strasser, who abstained.

New and Pending Matters

M. Augustine recused herself from her position on the Board for the following matter.

Gross/Rey – Block 5, Lot 4 – Ridge Road – Determination of Completeness

J. Gross, R. Gross, applicants and R. Finelli, architect were present for the matter this evening.

J. Gross supplied to the Board this evening a consolidated list which incorporates all of T. Decker's memo items. He stated he was here a month ago and proposes to construct a dwelling and horse facility. The proposed barn is larger than 5,000 sq ft. He filed an amended application and has met all the requirements. J. Gross stated in regard to #21 in T. Decker's memo, he has with him this evening, from Bayer Risse Engineering a letter that states, based on the information provided to Bayer-Risse, there is sufficient belief there is suitability for sewage disposal. There are several items on the list that will be provided by Bayer-Risse momentarily.

T. Decker stated his office does the witnessing for the Board of Health and the results were favorable. At some point, the applicant will have to provide the results and testing information on the plans. T. Decker provided the following memo:

As the board may recall, this application appeared at the August 12, 2008 Board meeting for completeness determination. The following items were noted as deficient with updates noted.

Item # 20 - Depiction of freshwater wetlands within 150' of the property.

A copy of the application letter to NJDEP prepared by Eastern States Environmental Associates, Inc. for a Footprint of Disturbance Absence Determination has been provided.

Item #21 - Documentation of feasibility of an adequate method of sewage disposal.

Soil investigation has been completed, however, results have not been submitted.

Item #24 - Indicate the location of all existing and proposed structures, i.e. walls, fences, culverts, bridges, roadways, etc., with grade elevations.

No revised plans providing topographic information have been provided.

Item #28 - Identify all means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing, sight lines and radii.

Waiver granted at August 12, 2008 meeting.

Item #30 - Location, arrangement and dimensions of truck loading and unloading platforms and docks.

Waiver granted at August 12, 2008 meeting.

Item #33 - Indicate all existing or proposed exterior lighting, including foot-candle distribution.

Waiver granted at August 12, 2008 meeting.

Item #35 - Indicate locations, dimensions and construction of off-site sidewalks, on-site walks and sidewalks.

Waiver granted at August 12, 2008 meeting.

Item #36 - Show proposed screening, green areas, landscaping, and fencing, including a planting plan and schedule.

Waiver granted at August 12, 2008 meeting.

Item #37 - Show improvements to adjoining streets and roads and traffic control devices necessary in streets or highways.

Waiver granted at August 12, 2008 meeting.

Item #38 - Copies of any existing or proposed covenants and deed restrictions intended to cover any of the development site.

Waiver granted at August 12, 2008 meeting.

Item #39 - Submit 27 copies of elevations, sketches, renderings or pictures of any new buildings, structures, or alterations.

Waiver granted at August 12, 2008 meeting.

Item #40 - Show fire service lines, hydrants, siamese connections, automatic sprinkler systems, fire zones, no-parking fire zones and pavement and wall signs.

Waiver granted at August 12, 2008 meeting. Undated letter received from Kingwood Fire Department indicating adequate fire fighting capabilities are provided.

Item #41 - Complete construction plans (plans, profiles, and cross sections at fifty-foot intervals and details) for all improvements, including roads, fences, drainage, water, sewer and surface water management facilities.

Applicant was advised at the August 12, 2008 meeting that the level of detail required for the application is contingent upon the extent of improvements. An increase in net impervious area greater than ¼ acre or disturbance of more than one acre will require design and review of stormwater management and drainage facilities. Revised plans and calculations have not been provided with detailed information. Applicant should clarify.

Item #42 - Lot grading plans, including proposed spot elevations, grade at building, flood elevations, proposed drainage patterns, etc.

Refer to Item #41.

Item #43 - Location of natural features to be preserved, including conservation easements.

Waiver granted at August 12, 2008 meeting.

Item #44 - Soil erosion and sediment control plan in accordance with Chapter 103, Soil Erosion.

Refer to Item #41. A letter from the Hunterdon County Soil Conservation District issued on August 1, 2008 deemed the application incomplete pending additional detailed information on topography and stormwater management.

Item #45 - Calculations demonstrating the adequacy of existing and/or proposed drainage and/or surface water management facilities.

Refer to Item # 41.

Item #47 - Proof of submission of application and fee submitted to County Planning Board.

Waiver granted at August 12, 2008 meeting.

Item #49 - Mapping of steep slopes in accordance with 114-3.

Waiver granted at August 12, 2008 meeting.

Item #50 - Six copies of Stormwater management plan and supporting calculations.

Refer to Item #41.

Item #52 - Sixteen copies of hydrogeological report and pump testing as required by 153-29 and 153-20 of Board of Health Code where construction of a well is required.

Applicant has submitted a copy of an August 21, 2008 letter from D&L Pump Company indicating the depth and yield of the existing well. As discussed at the August 12, 2008 meeting, if there is going to be an additional consumption of less than 800 gpd, a three part pump test is required. If there is going to be an additional consumption of more than 800 gpd, an aquifer test is required prior to site plan approval. The applicant should clarify the scope of the proposed improvements.

Item #54 - Twenty seven copies of Affordable Housing Plan.

Waiver granted at August 12, 2008 meeting.

Item #55 - Sixteen copies of well testing, as required by Chapter 153, Article II, where applicable.

Refer to Item #53.

Item #56 - Completed Constrained Area Maximum Tract Yield Calculation Form to be shown on site plan.

Waiver granted at August 12, 2008 meeting.

Item #57 - Depiction of Category One streams and tributaries within 300 feet of property.

Waiver granted at August 12, 2008 meeting.

Item #59 - Proof of submission of application and fee to NJDEP for freshwater Wetlands Letter of Interpretation or Presence/Absence determination.

A copy of the application letter to NJDEP prepared by Eastern States Environmental Associates, Inc. for a Footprint of Disturbance Absence Determination has been provided

Item #60 - Depiction of Septic systems and wells within 100 feet of property.

Waiver granted at August 12, 2008 meeting.

Item #62 - Financial disclosure statement for all persons or entities having more than a 10% financial interest in the property to be developed.

Waiver granted at August 12, 2008 meeting.

Item #63 - Street address of each property shall be indicated on all plats.

Waiver granted at August 12, 2008 meeting.

Pending clarification of the application's scope, the main completeness items, which remain outstanding include grading, drainage, water supply and stormwater management. This concludes our completeness review at this time.

J. Gross stated in regard to Checklist Nos. 24, 33, 41, 42, 44, 45 and 50, the information will be provided by Bayer Risse.

R. Finelli stated he expanded on the application. He has made application to the Soil Conservation District with a full blown stormwater management plan.

J. Gross stated there is an existing well on the property and the Board inquired, at last month's meeting, as to the quantity and quality of the water. He has provided an interim letter from D&L Well Drilling indicating their comments with regard to there being sufficient water quantity for the proposed plans of the existing house and proposed 16 stall barn. There is a report from Nelson Analytical indicating there is no problem with the water quality. He will be drilling a new well for the new house and barn. The old well will service the existing house. In regard to #59, the presence or absence from the DEP, he has provided a copy of the check.

T. Decker stated the applicant mentioned several items will be submitted from Bayer-Risse. He will have to review those items to make sure they satisfy the items on the checklist. With regard to grading and stormwater management, his office has not received any information.

R. Finelli responded it will be filed as soon as they receive the information. The applicants would like to notice for the October 14, 2008 meeting.

D. Pierce stated it is his recommendation, for item No. 52, the waiver be granted for completeness only. The issue is not whether the existing well has adequate capacity for the proposed use but if there is a change in use that will cause an additional consumption of more than 800 gpd and regardless if they can demonstrate adequate existing capacity from a well company or any other means, the ordinance specifically requires the applicant to conduct a three part pump test on the existing well.

J. Gross stated the calculations were performed for the existing three bedroom house with 20 head of cattle. He is proposing to have sixteen horses and a per horse water use is less than 800 gpd.

D. Pierce stated the information has not been submitted to the Board and the Board does not have that knowledge. It will have to be presented to the Board during the hearing to establish that you do not need to satisfy that requirement. The Board is considering waiving that requirement for completeness purposes so it does not have to be demonstrated now. The Board can make the determination at the hearing that it is not subject to that requirement.

J. Mathieu called for comments or questions. No response was heard.

It was moved by L. Senus, seconded by R. Dodds and carried to deem the application conditionally complete granting waivers of Checklist Item Nos. 52 & 55 for completeness purposes and Item Nos. 21, 24, 41, 42, 44, 45 & 50 to be satisfied in time for the hearing on October 14, 2008. All members present voted **AYE** on **ROLL CALL VOTE**.

M. Augustine resumed her seat on the Board at this time.

Schlachter – Block 9, Lot 13 – Lower Oak Grove Road – Minor Subdivision Hearing

W. Wilson, attorney, R. Zederbaum, engineer and A. Schlachter, applicant, were present for the application this evening.

W. Wilson stated the application is for a hearing for a minor subdivision creating one lot.

R. Zederman and A. Schlachter were sworn in by D. Pierce.

Banisch and Associates provided the following review:

We have reviewed the following information in preparation of this report:

- Minor Subdivision Plan for Anthony Schlachter, Kingwood Township, Hunterdon County, NJ. Prepared by RBZ Enterprises, Inc. dated 5-7-08 and signed by Nicholas Lebo, P.L.S.;

1. The subject tract, Lot 13, totals approximately 30.11 acres. The applicant has revised the minor subdivision plans to creating two parcels. Proposed Lot 13.03 previously consisting of 9.08 acres is now proposed to

encompass a 7.07-acre lot. Lot 13, the remaining parcel, previously proposed to be reduced to approximately 20.69 acres, is now proposed to be reduced to 22.77 acres.

2. The subject parcel contains significant wetland environmental constraints which extend across both proposed new lots. The rearward or southerly one-half (approx.) of remainder Lot 13 is entirely wetlands and wetland transition area. The front one-half (approx.) is predominantly wooded. The rearward portion is predominantly cleared.
3. The applicant has demarcated the 300' stream buffer line and proposed conservation easement for the Lockatong Creek tributary found on adjacent lot 13.01. The stream buffer extends from the northwesterly corner of proposed lot 13.03 to the middle of the lot through the wooded area and to the southern portion of the tract. In addition, the tract encompasses wetlands and their respective buffer areas. These features leave only the portion of the tract north of the wooded area as uplands suitable for development.
4. Proposed Lot 13.03 has been revised to increase lot frontage from 200' to 303' and decrease lot depth from approximately 1,371' to approximately 1,021'. The increased frontage on the lot increases the amount of buildable area within the setbacks, which complies with the minimum buildable area requirement of 1 acre.
5. The reduced lot depth shifts eliminates the southerly uplands area from proposed Lot 13.03 and shifts this area to Lot 13. This leaves only the portion of proposed lot 13.03 north of the wooded area as uplands suitable for development, which the applicant should confirm is the location for a future dwelling, and a note should be added to the plan accordingly.

Gilmore and Associates provided the following memo:

Our office is in receipt of plans titled "Minor Subdivision for Anthony Schlachter" as prepared by RBZ Enterprises, Inc., January 18, 2008, last revised August 17, 2008.

Technical Review

Subject property is located on Lower Oak Grove Road and referred to as Block 9, Lot 13 on Kingwood Tax Map Sheet #4 containing 30.12 acres. The property is located within the AR-2 Agricultural and Residential District and bound by Lower Oak Grove Road to the north, single family residences to the east and west, and wooded areas to the south. The Lockatong Creek and an associated tributary is located on adjacent properties to the south and east. As a Category One Stream, the associated 300 foot Special Resource Protection Area applies and overlaps into the subject property. Substantial area of freshwater wetlands and transition areas exist throughout the property as verified by NJDEP Letter of Interpretation (LOI) File # 1016-06-0011.1 (FWW-060001).

Application proposes the subdivision of existing Block 9, Lot 13 into one new lot and one remaining in accordance with the Class I Minor Subdivision provision of the Kingwood Township Ordinance. Proposed Lot 13.03 will contain 7.13 acres while remaining Lot 13 will have 22.99 acres. Frontages of 502.60 feet and 299.59 feet for Lots 13 and 13.03 respectively. Remaining Lot 13 is improved with a single family one-story brick dwelling. Upon review of the revised plans and comments contained in our review letter of July 31, 2008 we offer the following update:

1. Minimum building setback lines should be shown on remaining Lot 13. (*Satisfied*)

2. Buildable area calculations should be provided for both lots. It appears that Lot 13.03 does not contain the minimum required one acre of contiguous unconstrained area within the building envelope per ordinance. *(Satisfied)*
3. A portion of uplands area in the northeast corner of Lot 13 is separated from the existing home on Lot 13 by wetlands and transition areas rendering it essentially unusable by the owner of Lot 13. We recommend shifting the proposed westerly property line of lot 13.03 further to the west such that most of this upland area is situated on Lot 13.03. A lot line shift in this direction would increase the available buildable area for Lot 13.03. *(Satisfied)*
4. Proposed property line should be set as perpendicular to the roadway as possible. *(Partially satisfied. Property line is less than one degree from perpendicular)*
5. The applicant should provide testimony as to the existing and future use of the open farm field to the south as the proposed property line bisects this area. *(Outstanding)*
6. It may be advantageous to reconfigure the proposed lot line such that the existing farm field is situated on one of the lots in its entirety to promote continued farming practices under sole ownership. As majority of the field is located within NJDEP regulated areas, applicable NJDEP rules and regulations are applicable. *(Applicant should provide testimony)*
7. It has been the practice of the Board to require Metes and Bounds on environmentally constrained areas for filing with deeds, creation of conservation easements and the physical demarcation of conservation easements and environmental constraints at their greatest extent. Demarcation is typically in the form of a 4"x4" post installed at a height of 42 to 48 inches with a sign affixed identifying the area as environmentally sensitive subject to local and NJDEP regulations. *(Outstanding)*
8. Septic testing logs are located within and on the fringe of the 300 foot Special Resource Protection Area (SRPA). Septic testing outside the SRPA is required. *(Satisfied)*
9. Septic and well locations for remaining lot 13 should be added to the plans. *(Satisfied)*
10. As the applicant does not currently propose any improvements at this time, the application does not require stormwater management attenuation. Future improvements to the lots generating an increase in impervious area of more than ¼ acre or disturbance greater than 1 acre, stormwater management regulations must be addressed. It should be noted that these thresholds apply for the project as a whole, not for each lot. *(Outstanding)*
11. Application may be subject to outside agency approvals including, but not limited to:
 - a. Hunterdon County Planning Board
 - b. Hunterdon County Soil Conservation District
 - c. New Jersey Department of Environmental Protection

W. Wilson stated the application is on Block 9, Lot 13, which is located on Lower Oak Grove Road. The application is for one new lot plus lands remaining. The applicant has received the above memorandums from Banisch and Associates and Gilmore and Associates. The memorandum from Banisch and Associates is mostly statements of fact. The issues addressed in the review from Gilmore and Associates have been mostly satisfied.

R. Zederbaum testified there has been a modification from the original plan. The new plan satisfies the technical concerns of the engineer and planner by providing additional buildable area of the lot being subdivided. The applicant is taking the westerly most boundary and moving it closer to the existing structure

which will truncate the rear of this lot so more of the property will be attached to the existing farmland. It is a fully conforming plan. T. Decker stated R. Zederbaum took the rear property line and made it more in alignment with the transition area. T. Decker further stated there is a pocket within the delineated wetlands which is an existing field. R. Zederbaum further testified the plan conforms to the seven acre zoning.

W. Wilson stated the property is currently farmed by a tenant farmer and it is the intention of the application to continue to have it farmed. They have no intention of selling the property at this point.

T. Decker stated a minor subdivision could have two acres on one of the lots and not require a variance.

A. Schlachter testified the property is farmed by a tenant farmer and he has no problem with moving the line.

W. Wilson stated, if moving of the line would not require a variance, the applicant would be willing to comply. In regard to the other items in T. Decker's memo, the applicant acknowledges they need to comply with DEP regulations. They have an LOI. The applicant is willing to provide, T. Decker's memo #7, a metes and bounds description of the environmentally constrained areas and the physical demarcation of the areas.

R. Zederbaum stated, in response to T. Decker's memo #4, the property line can be made perpendicular with the roadway.

W. Walter stated, in response to T. Decker's memo #10, a note could be added to the plan and deeds. T. Decker stated the purpose is to quantify the existing impervious so credit for the existing impervious is documented and establishes what was there. R. Zederbaum was in agreement.

D. Pierce stated in regard to the stormwater management plan, it is sufficient to add a note to the plans and the deeds. There is a requirement they obtain approval for their plan before a building permit is issued. W. Wilson was in agreement. D. Pierce stated the only other comment he has if the applicant is agreeing to reconfigure the lot lines and, typically in resolutions, the acreage of the lots being created is identified, verifying those lots meet the bulk requirements of the Township ordinances will be required. If the Board makes the approval of the lot sizes indicating not less than 2 acres net for Lot 13.03, is one way to do it or the Board can have the applicant prepare the drawings and come back for approval. R. Zederbaum responded he will provide D. Pierce with the exact numbers within the next few days.

S. McNicol stated one of the comments from the Environmental Commission was if there was enough unconstrained land, not wetlands or transition area, for a house and septic system in the front section of the property. R. Zederbaum responded there is over an acre of land. S. McNicol stated the Environmental Commission found the soils very limited to septic systems. She inquired of T. Decker if he found that to be the case. T. Decker responded the applicants have gone back out for one additional test. Original test one was in the fringe of the 300' special resource area. There is a buildable area in front. The revised plans have opened the buildable area. S. McNicol questioned about the conservation easement markers.

R. Dodds inquired if the Board would like to put any limits on any future development of the large lot given the constrained areas of the property. R. Zederbaum responded they have not researched the development of the large lot. There are no plans at this moment.

D. Pierce stated it is a fully conforming plan.

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

It was moved by S. McNicol, seconded by J. Strasser and carried to approve the above application with the following conditions:

1. Submission of a Plat revised to include:
 - a. The shifting of the rear lot line for Lot 13.03 to the North to make Lot 13.03 3.54 acres in size (net);
 - b. A note reflecting and quantifying the amount of existing impervious coverage on each lot;
 - c. A note that the future dwelling on Lot 13.03 must be located on the uplands on the northern portion of the lot; and
 - d. A note stating that a concept grading plan and stormwater management plan must be submitted to and approved by the Board engineer prior to the issuance of a building permit for each lot.
2. Submission of a concept grading plan and stormwater management plan to, and receipt of approval thereof from, the Board engineer prior to the issuance of a building permit for each lot.
3. Revision of the Deeds to include a requirement that a concept grading plan and stormwater management plan must be submitted to and approved by the Board engineer prior to the issuance of a building permit for each lot.
4. Review and approval of the Deeds by the Board's professionals.
5. Submission of an electronic copy of the revised Plat.
6. Review and approval by the Board's professionals, and recordation, of:
conservation easements for Lots 13 and 13.03, including both a metes and bounds description and a graphical depiction of the area and noting and subject to the right to apply to the New Jersey Department of Environmental Protection for permits to conduct activities within the area of the conservation easement;
7. The conservation easements shall be delineated in the field prior to the issuance of any building permit by the installation of markers at all deflection points along the outer boundary lines of such areas and where such lines intersect property lines. Where the distance between deflection points and/or the intersection with property lines is greater than 100 feet, markers shall be installed every 100 feet. The form of marker shall be subject to approval by the Board's planner;
8. Prior to the issuance of a building permit, the applicant shall submit a baseline documentation report for all conservation easements documenting with photographs the installation of the boundary markers and the condition of the easement areas;
9. No building/construction permit shall be issued for any lot unless and until a well permit has been obtained as required by Kingwood Township Ordinance Section 153-24.
10. Prior to the issuance of a certificate of occupancy, water quality testing shall be conducted on the well for each lot as required by Kingwood Township Ordinance Section 153-25. The test results shall be submitted to the Township's hydrogeologist for review and determination as to whether a water treatment system is necessary.
11. Receipt of unconditional approval from the Hunterdon County Planning Board.
12. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
13. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. The development fee ordinance requires a developer, pursuant to 132-13 of the Kingwood Township Code, to pay a development fee to the Kingwood Township Affordable Housing Trust Fund, as follows:
 - A) For all new residential development – two percent of the equalized assessed value of the new residential development;

B) For all new, non-exempt, non-residential development – two percent of the equalized assessed value of the new non-residential development.

Expansion of existing structures by fifty percent (50%) or more is subject to imposition of the development fee.

The applicant shall pay fifty percent (50%) of the estimated developer's fee to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.

14. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. Approved Plats or Deeds shall not be released for recordation unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
15. The within approval and the use of all property subject to the within approval are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approval(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon proper application.
16. The Township of Kingwood Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
17. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
18. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the applicant, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members present voted **AYE** on **ROLL CALL VOTE**.

Bunker Hill – Block 22, Lot 16 – Barbertown Point Breeze Road – Amendment to Prior Approval

The matter was postponed to the October meeting.

Mironchik – Block 19, Lot 10.07 – Fitzer Road – Determination of Completeness

W. Mironchik and M. Mironchik, applicants, were present for the matter this evening. The property is located on Fitzer Road. They are requesting a two acre minor subdivision. The proposed lot is within the bounds of the originally approved lot.

Banisch and Associates provided the following memo:

We have reviewed the following information in preparation of this report:

- Minor Subdivision Plan for Walter and George Mironchik, Kingwood Township, Hunterdon County, NJ. Prepared and signed by Stanley M. Norkevich, P.L.S. with the date 6-27-08;
- Freshwater Wetlands Letter of Interpretation / Line Verification dated February 24, 2004.

1. We offer the following preliminary comments for the benefit of the applicant, relative to the proposed subdivision, with the understanding that the applicant is before the Board for Completeness on September 9, 2008.
2. The subject tract, Lot 10.07, totals approximately 7.73 acres. The applicant proposes a minor subdivision to create a 2.24-acre lot (proposed Lot 10.13). The remaining parcel (Lot 10.07) will be reduced to approximately 5.11 acres.
3. The subject parcel contains a somewhat expansive wetland area which extends across the southerly boundary of lands remaining Lot 10.07. The wetlands have been verified and an LOI submitted. A 50' wetland buffer extends along the boundary of the wetlands on the lot.
4. There are no existing dwellings on either of the proposed lots.
5. Plans show that a conservation easement is to be provided on Lot 10.07. Plans should mark the location and provide a detail on the plan of proposed easement markers, as per the Township's Conservation Easement Ordinance and guidelines.
6. The revised plan lacks an indication of the proposed limits of disturbance, as there appear to be no improvements proposed at this time. The Board should condition future improvements on this lot to be subject to prior approval of an individual lot grading plan, identifying limits of disturbance and any stormwater management that may be required, by the Township Engineer.
7. The Board may wish to require modification of the plan to identify maximum amount of disturbance for each lot if disturbance for all proposed development is to be maintained below the threshold for Major Development (i.e. less than 10,000 sq. ft. of impervious coverage/less than one acre of disturbance).
8. If Major Development is proposed, the Board should require a stormwater management plan conforming to NJDEP's stormwater management rule. If the applicant is not clear as to the limits of disturbance and impervious coverage which may exceed Major Development limits, the Board may wish to consider a condition requiring the applicant to return to the board for a future approval of stormwater management design for Major Development.
9. Proposed Lot 10.13 appears to require variance relief for minimum lot width (250' required/230.45' proposed).

Gilmore and Associates provided the following memo:

Item #1 – Electronic Format

The plan in electronic format has not been provided.

Item #10 – Applicant and Owner Telephone Numbers

Applicant and owner telephone numbers are missing from the plans.

Item #12 – Block and Lot numbers approved by Tax Assessor

Documentation from the tax assessor has not been received.

Item #32 – Proof of Submission

Proof of submission to Hunterdon County Planning Board has not been provided.

Item #38 – Stormwater Management Plan

As the applicant does not currently propose any improvements at this time, the application does not require stormwater management attenuation. Future improvements to the lots generating an increase in impervious area of more than ¼ acre or disturbance greater than 1 acre, stormwater management regulations must be addressed. It should be noted that these thresholds apply for the project as a whole, not for each lot.

Item #39 – Proposed Deeds to Lots & Lands Remaining

Proposed deeds have not been provided for review.

Item #45 – Affordable Housing Plan

An affordable housing plan has not been provided.

Item #47 – Constrained Area Maximum Tract Yield Calculation Form

Calculations demonstrating maximum tract yield have not been provided.

M Mironchik inquired about #5 in the Banisch Associates memo. A. Clerico responded what the Planning Board has been doing with applications that have wetlands areas or areas put into a conservation easement was to have the applicants provide certain demarcation. T. Decker stated what the Board is requesting are markers set out in the field along the conservation easement that are typically 3'-4' out of the ground made out of a 4x4 composite material with a plaque identifying it as a conservation easement.

W. Mironchik responded the whole 7.3 acres is farmland. The conservation easement markers would make it difficult for farming.

T. Decker stated the comment W. Mironchik has made is similar to the comments previously made by applicants. Since tonight is for completeness, the issue can be discussed at the public hearing. There is a workshop scheduled at the end of the month and prior to the October meeting and possibly more direction will be available after the workshop meeting. S. McNicol stated the Board will work with the applicants on the marking of the easements.

T. Decker reviewed the completeness items in his memo. He stated the completeness items are minor in nature. M. Mironchik stated they have applied to the County and D&R Canal Commission and both entities have determined they are not involved. T. Decker suggested the Mironchik's provide the documentation to the Board. The electronic copy of the plat has been provided. T. Decker stated #38, Stormwater Management Plan, is not a completeness item. He was notifying the Board and applicant if they go over a limit of impervious

coverage, they will need to provide a stormwater management plan. He has not been provided with the deeds but they can be a condition of approval. The applicant needs to provide the calculations for a maximum tract yield. T. Decker stated the original subdivision was done in 2002 and believes the subdivision that created those lots predated the stormwater management regulations which came into effect in 2004.

It was moved by J. Strasser, seconded by D. Haywood and carried to deem the application granting for completeness purposes Checklist Nos. 39 & 45 and conditionally complete with the satisfaction of Checklist Nos. 10, 12, 32 & 47.

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

All members present voted **AYE** on **ROLL CALL VOTE**.

Perehinys – Block 20, Lot 6 – Thatcher Road – Major Subdivision – Conceptual Review

M. Perehinys, owner, R. Perehinys Jr., applicant, and R. Grant of AzMarc, surveyor, were present for the application this evening.

R. Grant stated the application is a conceptual plan for a major subdivision. The property is identified as Block 20, Lot 6 in Kingwood Township. The applicant proposes to create eight lots which will be taken from the original thirty-five acres. R. Grant stated any tract larger than 35 acres must come before the Board for a cluster plan. The applicants are present this evening with a two drawing plat. One of the plats is the permitted plan with a conventional zoning map based on the constrained areas. Sheet two shows a cluster plan to comply with the zoning ordinance. The applicant is here this evening to get the faith of the Board in the proposed cluster layout so the applicant can continue with hydrogeological testing and permeability testing for subdivision.

Banisch Associates provided the following memo:

We have reviewed the following information in preparation of this report:

- Conceptual Plan consisting of two sheets 1) Qualifying Plan / Sketch Plat and 2) Cluster Plan / Sketch Plan for the Lands of Mary Perehinys, Kingwood Township, Hunterdon County, NJ. Prepared and signed by Randall J. Grant, P.L.S. with the date 8-25-08.
1. The subject tract, Lot 6, totals 71.608 acres. The applicant proposes a major subdivision to create a nine (9) lot cluster subdivision consisting of eight (8) lots approximately 2 acres each in size and one (1) remaining lands lot approximately 50 acres in size including a stormwater management basin for the subdivision.
 2. The applicant's qualifying plan appears to meet the minimum lot size requirements, dimensional requirements and the minimum buildable area requirement for each qualifying lot.
 3. A cluster subdivision plan is shown for conceptual discussion. The cluster plan proposes to place 50.766 acres of the overall tract area of 71.608 acres in common open space. Applicant should confirm our understanding in this regard.
 4. The applicant's conceptual plan shows the eight lots organized along a cul-de-sac approximately 1,800' in length. This alternative cluster design shows a public cul-de-sac road approximately 2/3 the length of

the qualifying plan roadway. Cluster lots occupy approximately 1/3 of the entire tract, affording the applicant the opportunity to preserve the remainder of the tract, approximately 70%, as open space.

5. The length of the proposed roadway in the cluster subdivision design could be reduced by approximately 200'-250', which may result in the need for variance relief for minimum lot frontage but reduce the amount of impervious coverage associated with the additional segment of roadway. The Board should discuss the merits of reducing the length of the cul-de-sac to situate the bulb at the westerly lot line of proposed lot 6.08, and thereby reduce impervious coverage. The reduced roadway length could lessen the need for stormwater management and storage in the stormwater basin as shown on the plan.
6. The applicant is proposing to locate a single stormwater management basin within the proposed open space. Given the relatively shallow depth to seasonal high water table for soils on the tract, an alternative approach may be to utilize an elongated constructed wetland stormwater management basin, which could be constructed within the rear yard areas of proposed Lots the following lots: 6.11, 6.10, and 6.09 parallel to the rear lot lines. This option could facilitate the reforestation of lands near and adjacent to the Locketong, and could also yield improved groundwater recharge in the area.
7. The Board and applicant should discuss the relative merits of a lot-size averaging plan, which could retain more land in private ownership.
8. If the concept plan carries favor with the Board as proposed, the Board should discuss the relative merits of providing public access to the open space area at the end of the cul-de-sac lot, and whether any recreation or open play field areas should be provided and maintained by the homeowner's association. This could be provided even with a reduced cul-de-sac roadway length as described in comment #4 above if a trail easement between proposed Lots 6.07 and 6.08 were provided.
9. The proposed subdivision of 8 residential dwelling units generates an obligation of 2-units of affordable housing for this project. The Board and applicant should discuss providing these units as either 2 accessory apartments in the subdivision, or by incorporating the requirement as part of the unit yield, in accordance with the Township's affordable housing ordinances.

A. Clerico stated her firm liked the cluster subdivision. They liked the way the lots are configured and the road comes up to the space in the back. They would suggest shortening the roadway, possibly 200' or so, and then maybe have a trail that would come off the end of that to go into the open space in the back. Shortening the roadway will create less impervious coverage and less stormwater management techniques to maintain. Something to consider would be taking the stormwater basin off the common area lot and creating some constructed wetlands on the back of some of the lots. It is something to consider to possibly lessening the need for stormwater management.

R. Grant responded the applicant would consider but not be willing if it created a variance situation.

A. Clerico stated if the roadway is shortened, the frontage on Lot 6.08 is sufficient and meets the requirements in the ordinance. The wetlands are over the southern portion of the property. Those wetlands are part of the remaining land's open space. If the applicant would consider the lot size averaging design and potentially increase the acreage on Lots 6.04 and 6.05, it would extend the wetlands into those lots. If you didn't, it would result in a need for a homeowner's association for the maintenance of the stormwater basins. Extending the wetlands onto those lots would reduce or eliminate the need for a homeowner's association and the individual homeowners would maintain those areas.

T. Decker commented the area in back is heavy brush and not all open area to be mowed. The cluster layout keeps the buffers in open space. He is concerned about having environmentally constrained areas on individual lots and being able to police the maintenance. The cluster subdivision is more favorable. The cul-de-sac should be pulled back.

R. Grant stated the applicant would like to discuss the affordable housing situation. They need some clarification on how it works and if there is a firm ordinance in place. The applicants have shown a strong interest in maintaining ownership of the large tract. The applicants would like to have the detention basin in the open space and be responsible for the maintenance. T. Decker stated having one ownership for the stormwater management is ideal. Unfortunately, the state regulations give you two options, the Township maintains or a homeowner's association has to be established. For stormwater management facilities, the homeowner's association has to have access. The maintenance falls under the responsibility of the homeowner's association. D. Pierce confirmed the above is accurate.

R. Grant stated he can get a separate non-buildable lot and install the basin on that lot with the homeowner's association having access to that lot. D. Pierce responded he has seen it in other municipalities but is not aware if there are any restrictions. T. Decker stated the restriction is as long as it is a non-buildable lot.

D. Pierce inquired of the applicants their intended use of the open lands. The purpose of the cluster ordinance is to create open space that is not used for various activities but for recreation. He does not know if the applicant intends to continue to farm it but that is not the purpose of the cluster ordinance. Prior to the Board commenting of the plan, they will need to be informed of the future plans for the remaining lands. In regard to affordable housing, the ordinance has not been amended to the revised 3rd round rules from the DCA. Under the 3rd round rules, for every eight units, two affordable housing units need to be provided. It can be satisfied by a contribution in lieu. The Board prefers the applicant make some sort of accommodation to create those units themselves by accessory apartments on two of the lots. The Board might be in favor by allowing a variance to allow the applicant an additional lot at a higher density to create a duplex and provide the housing units in that way.

T. Decker read from Section 132-30L(4a) of the Township's ordinances "The preserved open space or open lands area shall be configured in such a manner as to facilitate agricultural use. Factors such as, but not limited to, the proposed proximity of the open space or open lands to adjacent tracts containing farming operations, etc." and 132-30L(4f) "Open lands created as a result of these regulations may be used for recreation, agriculture or resource conservation, etc.", referring to different uses for the agricultural/open space use which is specific to cluster developments. The open space is to be configured to facilitate agricultural.

D. Pierce inquired if the second part prohibits a detention basin? J. Mathieu indicated R. Grant's proposal would be to make it a non-buildable lot. R. Grant responded as long as it is understood that it is a non-buildable lot by map and deed description.

D. Pierce stated the remaining lands can be owned by anyone and the ordinance specifically allows stormwater management facilities to be located on the open space lands. An easement would need to be granted in favor of the homeowner's association of the buildable lots to give them right to access and to maintain the stormwater facility. Under the ordinance as it exists, the land does not need to be deeded to the Township. It can be owned privately. It may be used for agricultural purposes and recreational purposes. It would be subject to deed restrictions prohibiting residential or commercial development and the easement of the maintenance and construction of the stormwater management facility.

M. Perhinsy stated she intends to retain ownership of the fifty acres and farm it. J. Mathieu stated with the understanding that it could never be developed. M. Perhinsy stated her agreement with the preceding comment. J. Mathieu further stated R. Grant's idea of making a non-buildable lot that would encompass the drainage might be a good suggestion.

D. Pierce stated there must be a homeowner's association for the eight buildable lots. The homeowner's association must have the responsibility of the maintenance of the facility. The Township does not have an interest in maintaining the facility.

T. Decker stated the non-buildable lot will be a non-conforming lot and taken out of the remaining open space.

D. Pierce stated the ordinance does provide that the basin or management facility may be placed in the open space. The fact that it is an open space lot does not prohibit the installation of the facility on that lot. There would be a subdivision of the open space into two separate lots, one owned by the homeowner's association and the other lot continued to be owned by the current owner.

T. Decker stated the basin is not in the corner of the open space. It bisects the open space. It will be configured as a portion that comes off of Thatcher Road, the basin and then the lot from the rear. North of the basin, there are state open waters on one side. He stated what is shown on the concept plan has to be reconfigured once the plan is final. The proposed location of the detention basin could change.

A. Clerico stated seeing how the wetlands line comes up so close to the proposed line and in relation to the property lines, it is suggested to create constructive wetlands on the backs of 6.09, 6.10 and 6.11 by adding an additional buffer near the property lines. It would eliminate the need for a stormwater basin. T. Decker stated the development would still require a basin of some sort to treat the quantity.

J. Mathieu stated if they want to create wetlands, it is a good way to go because his biggest concern is the well yields in the area, which are unbelievably low.

A. Clerico stated the wetlands construction would include some reforestation and the goal would be to create more groundwater infiltration. T. Decker stated the application would be subject to part of the state's BMP, which will have to be met in the final design.

R. Grant indicated the four fields which are being currently farmed. R. Grant indicated the cut for the Buckeye Pipeline on the overhead, as well as the location of the basin. He also indicated the wetlands on the overhead.

D. Pierce stated you cannot remove existing tree cover to convert to farmland if it is in wetlands.

After some discussion about the plan, several Board members indicated their agreement with the cluster plan.

Conservation Plan – Public Hearing

The public hearing has been scheduled for October 14, 2008 at 8:00 PM.

CORRESPONDENCE

J. Mathieu reviewed the correspondence as per the agenda.

Township of Kingwood – Zoning Officer – Block 17, Lot 15.01 – T. Decker indicated the Hunterdon County Soil Conservation District did issue a letter to the owner informing them of the need to submit for a site plan, stop work and stabilize what has already been done. R. Dodds stated the letter to the owner from the zoning officer was well written, concise and to the point.

PRIVILEGE OF THE FLOOR

R. Oakes inquired about the Township's feelings or flavor on ATV. He is getting involved with the NJ Off-Highway Vehicle Association. Is the Township planning to provide trails for ATVs or dirt bikes? It was suggested R. Oakes approach the Parks and Recreation Committee. T. Kratzer stated Delaware Township is reviewing the issue with the New Jersey Water Supply Authority in conjunction with a study of the C-1 streams. The streams are being eroded. R. Oakes indicated there is no place in NJ that allows ATVs or dirt bikes legally. R. Oakes indicated he thinks it is an issue that should be addressed.

H. Rey thanked the Board for the resolution. He also showed the Board members a 1956 aerial map. R. Dodds offered to make a digital copy of the map. T. Kratzer stated there is a webpage www.historicaerials.com which has aeriels from different times.

Zoning Enforcement

S. McNicol stated the Board members received a copy of the letter written by the secretary to the zoning officer regarding last month's discussion of approvals which are not in compliance. She felt that everything she needed to know was not in the minutes. She went to the Township building and listened to the tape. There was quite a bit more detail. The letter needs to be written a little differently. When we were discussing the issue, we discussed why Chris' Citgo came before the Board. It was because they were not in compliance and never filed a site plan review and then because their use changed they did come before the Board and were granted fourteen parking spaces. J. Mathieu stated they were cited by the zoning officer for not having a site plan and then they came in. There were complaints by several neighbors and a number of other issues. S. McNicol stated the Board discussed more. S. McNicol stated the Board should have the zoning officer pull the site plan review and go to the business telling them they agreed to this, fourteen spaces, with your lawyer present and a hearing that was noticed to the public. She stated R. Dodds commented we should push the enforcement side. There was more discussion on enforcement. They inquired of D. Pierce what should be done. It was D. Pierce's suggestion a letter should be written to the zoning officer to investigate and also a letter to the Township Committee asking them to take the appropriate authorized action to enforce it. S. McNicol stated E. Niemann stated the secretary should write the letter. S. McNicol further stated J. Burke was present and J. Burke stated the Township Committee was fully aware of the situation and taking action. S. McNicol's question to the Board is if they feel the letter that was written, which is a fine letter in general, addresses the need that we were asking? We asked for a more direct type of letter to ask the zoning officer to take action. She feels that the Board was asking him to pull those and go further. She is not aware if the Township Committee is further along with this. J. Mathieu inquired if the letter was sent. The secretary responded yes. S. McNicol stated the Board had additional discussion about zoning issues in general.

E. Niemann stated when she read the letter she felt it might have referred back to why this became an issue. E. Niemann stated D. Haywood had brought up that it was an issue because over the years she had seen it getting worse and worse and that is where this conversation started. In her point of view, it was not that important that it was mentioned because we were already working on it so at the time she did not make an issue of it. For the sake of the record and clarity it could not hurt for there to be some reference made to the foundation of this

request, such as – “we noticed the situation and our concern that others like it could develop and that is why we want you to make sure to enforce the conditions of the approval” was stated in the letter. She also feels that letters of this nature, just as a matter of practice, should come from the Chairman of the Planning Board or at a minimum the Chairman or Vice-Chairman maybe should have a look at the letter prior to the release of it. It is not fair to ask the secretary of the Planning Board to come up with the ideas that we are trying to express without that kind of feedback. J. Mathieu and R. Dodds agreed.

R. Dodds stated when he read the letter he thought it was a nice “do your job” letter as opposed to, specifically, this is what we want you to do. This is a target issue. He agrees that some review process is necessary. We just said send this letter out and did not give much specificity. We should have said draft the letter and J. Mathieu or R. Dodds will review. E. Niemann stated that is all we would need is to have that prospective. J. Mathieu said he knew the history of it and J. Burke, E. Niemann and M. Augustine had not gotten involved in it. J. Mathieu stated it goes back a number of years.

D. Haywood inquired if any progress has been made. E. Niemann responded not visibly. J. Mathieu stated he seemingly is a nice fellow and he does not know if M. DeSapio has been over there, which is the purview of the Township Committee.

J. Mathieu stated Uncle Scott’s was going to come before the Board for graphics. The secretary responded M. DeSapio had requested additional information and as yet it had not been provided.

The Board discussed some of the other signage in the Township, i.e. “Shack”. The Board discussed the appropriate way to notify a business of the procedures required in the ordinances. It was suggested, possibly, when a new business comes in or changes, there could be a “meet and greet.” The Board was in agreement that consistency is the key issue. No graphics should be installed prior to the issuance of a permit by the Planning Board. There was a lengthy discussion as to the first department a new business should contact.

J. Mathieu stated the billboard on Route 12 has become an eyesore.

R. Dodds commented about the soil and sand sales at the Route 12 Business Park. They are parking their industrial vehicles on top of the septic field. It seems as if they are bringing in sand and blending it. The Board was in agreement they would have no problem if the soil being sold was generated on the site. The Board members were concerned about the numerous little signs and the truck being used for advertisement. The Board inquired if there were tenants who had not obtained Planning Board approval for their retail use.

D. Pierce stated if the business has a retail component, it is a conditional use and requires Planning Board approval. He further stated the business park ordinance specifically permits, as a conditional use, a small percentage of retail use. The ordinance requires the business come to the Planning Board for a determination of the percentage of retail use and if it conforms to the requirements of the business park zone. D. Pierce stated Fastenal and Warnco appeared before the Board and testified the retail aspect of their use is ancillary to their principle operation. In response to a question by the Board member, D. Pierce responded if someone was operating a business of selling soil, a site plan would be required.

The Board was in favor of sending another letter to the Zoning Officer with their specific concerns:

1. Chris’ Citgo – Why is this business not in conformity with their site plan review?
2. What’s going on with the sale of top soil at the Route 12 Industrial Park?
3. The Shack Bar on Route 12 (formerly Errico’s Sports Bar) never came before the Planning Board for sign approval.

4. There seems to a proliferation of the sale signs along Route 12, especially in front of the Industrial Park.
5. What about the business selling mulch and gravel on the south side of Route 12? Have they obtained the appropriate clearances?

The Board requested a response by their October meeting.

The Board discussed the best way to inform a new business of the appropriate procedures. D. Pierce stated there are many different ways to come into a new business. A business should get into a routine of coming to the Township for guidance. It would be simple to implement an ordinance that would require business establishments to have a license issued to them for a nominal fee. The Township would then have a list of all the businesses in the Township. It would be a Township Committee ordinance. The license could be prominently displayed and the new owners would be put on notice. The matter will be further discussed at the September 23, 2008 Worksession meeting.

ADJOURNMENT

It was moved by R. Dodds, seconded by S. McNicol and carried to adjourn the meeting at 10:40 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Respectfully submitted,

Diane Laudenschick, Secretary