

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood (7:40 PM)
T. Kratzer
S. McNicol
E. Niemann
L. Sensus
J. Strasser
M. Syrnick, Alt #1
D. Posey, Alt. #2
T. Decker, Engineer
D. Pierce, Attorney

ABSENT: J. Mathieu

CALL TO ORDER

The meeting was called to order by R. Dodds at 7:34 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 Hunterdon County Democrat and Courier News, 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

Horseshoe Bend LLC – Horseshoe Bend Road – Block 14, Lots 28.02 and 30 - Conversion of Major Subdivision to Minor

T. Decker stated the property was the subject of a major subdivision application that had received approval. The property is being preserved through the Green Acres program. The application is for an amendment to the original major subdivision application which will create one lot having an area of nine acres. The configuration of the lot is a little irregular in shape because of the original proposed configuration of the one lot. The configuration of the lot is included in the exhibit with the county. The nine acre lot will contain the existing farm house and not all but some of the outbuildings. The conservation easement within the property is what was originally proposed in the major. Lot 28.02 is located in the back. The remaining lands will be kept as Lot 30 and the proposed lot is 30.01. Lot 28.02 is going to remain as is and preserved as is. Lot 30 is being subdivided into a nine acre lot. The State is purchasing Lot 28.02. The subdivision will result in no net gain in building lots.

D. Pierce stated the easement issue is still in discussion. There was a meeting of the parties this afternoon and an agreement was reached in respect to the access easement to the flag stem which resulted in no further easement. There are still ongoing discussions whether the State will be allowed to cross the flag stem to access Lot 28.02, which is being acquired by the State and Township for open space. The subdivision is conditioned upon the completion of the sale. If the sale does not take place, it will revert back to the approved status of the major subdivision.

It was moved by J. Burke, seconded by L. Senus and carried to approve the above application with the following conditions:

1. Review and approval of the Deeds by the Board's professionals.
2. Recordation of the Deeds within 190 days of the date of this resolution.
3. Receipt of unconditional approval from the Hunterdon County Planning Board.
4. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
5. Receipt of unconditional approval from the D&R Canal Commission.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. The prior preliminary major subdivision and boundary line adjustment approvals relating to these properties shall be and become null and void and of no further force or effect upon the recordation of the deeds perfecting this minor subdivision. In the event that this minor subdivision is not perfected, not later than December 31, 2009, the Owner shall be entitled to a reinstatement of the prior preliminary major subdivision and boundary line adjustment approvals upon the same terms and conditions as set forth in Memorializing Resolution number 2006-43.

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

Frenchtown Run LLC – Horseshoe Bend Road - Block 12, Lot 31 – Conversion of Major Subdivision to Minor

T. Decker stated the proposed lot is the rectangular area on Horseshoe Bend and Spring Hill Road. There is a 25 acre parcel being subdivided off the remaining lands. It is being preserved by the Hunterdon Land Trust. The remainder will be a preserved farmland with a two-acre area of exception that will allow for the construction of a single family home on the southeast corner of the property. It does not contain any structures. The existing farm buildings and house in the southwest corner of the property will be removed.

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

1. Review and approval of the Deeds by the Board's professionals.
2. Recordation of the Deeds within 190 days of the date of this resolution.
3. Receipt of unconditional approval from the Hunterdon County Planning Board.
4. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
5. Receipt of unconditional approval from the D&R Canal Commission.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. The prior preliminary major subdivision and boundary line adjustment approvals relating to these properties shall be and become null and void and of no further force or effect upon the recordation of the deeds perfecting this minor subdivision. In the event that this minor subdivision is not perfected, not later than December 31, 2009, the Owner shall be entitled to a reinstatement of the prior preliminary major subdivision and boundary line adjustment approvals upon the same terms and conditions as set forth in Memorializing Resolution number 2006-42.

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

Perrotti – Block 23, Lot 11 & 11.01 – Route 519 – Granting Extension of Hearing

D. Pierce stated he has spoken with the attorney for the Perrotti's and he could not make the meeting this evening. The letter requests the hearing to be adjourned and carried to September. The request for the adjournment is due to a review of the well testing results.

It was moved by J. Strasser, seconded by S. McNicol and carried to adjourn the hearing to the September 8, 2009 meeting at this location without further notice. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds announced the Perrotti subdivision, Block 23, Lots 11 & 11.01 will be postponed until the September 8, 2009 meeting at this location without further notice.

BDAC – Block 23, Lot 17.02 – Barbertown Point Breeze Road

A. Belle was present this evening for the above matter. He was placed on the agenda with additional information from the Board of Health. No notice has been given for a hearing. The resolution presented to the Board this evening indicates if the Board of Health makes subsequent changes to the well ordinance, the Planning Board will entertain a further request by the applicant for changes to the conditions of approval. It also updates a reference.

D. Pierce stated the change in the amount of escrow can be handled administratively. An overall change in the aquifer test not having to be conducted on a particular lot might require hearing. It is the Board's decision whether the change is so significant that they believe it requires a public hearing. There is no mechanism for the Board to take formal action except at an open public meeting. The Board could not act upon a request until the next meeting. If the action was to grant a request that no public hearing is required, the Board could act at the same meeting. If a determination is made by the Board that a public hearing is necessary, they would have to come back to the next meeting due to the requirement of notice.

S. McNicol recused herself from her position on the Board for the following matter.

Silverson – Block 7, Lot 17 – Granting of Extension of Hearing to September 8, 2009

D. Pierce stated the request is for an adjournment. The applicant had previously been before the Board and started his hearing back in the spring. The applicant was required to perform an aquifer test.

It was moved by J. Burke, seconded by D. Haywood and carried to adjourn the hearing to the September 8, 2009 meeting at this location without further notice. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds announced the Silverson application, Block 7, Lot 14, will be postponed until the September 8, 2009 meeting at this location without further notice.

S. McNicol resumed her position on the Board.

Banisch Associates, Inc. – Sustainable Jersey Certification

E. Niemann announced the matter has been postponed until the Township determines if they are going to proceed with another part of the planning. P. Lubitz is the Township liaison.

Proposed Ordinance No. 15-10-2009 – Recommendation to Township Committee

D. Pierce stated is it a revision to the Flood Plain Ordinance reviewed last month. There were some revisions to the definitions which brought it further into compliance with the State requirements.

It was moved by D. Haywood, seconded by S. McNicol and carried to recommend adoption of Ordinance No. 15-10-2009 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolutions

It was moved by D. Haywood, seconded by L. Senus and carried to adopt **Resolution No. 2009-14 - Hewitt – Block 40, Lot 25 – Request for Extension of Time to File**. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

It was moved by D. Haywood, seconded by L. Senus and carried to adopt **Resolution No. 2009-15 -Phillips – Block 41, Lot 13 – Request for Extension of Time to File**. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

It was moved by D. Haywood, seconded by L. Senus and carried to adopt **Resolution No. 2009-16 - Galleria – Block 39, Lot 7 – Request for Extension of Time to File**. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

It was moved by D. Haywood, seconded by L. Senus and carried to adopt **Resolution No. 2009-17 - Stepanovsky – Block 7, Lot 3 & 3.07 – Boundary Line Adjustment**. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

Resolution No. 2009-18 -BDAC – Block 23, Lot 17.02 – Amendment to Prior Approval

D. Pierce stated he has made changes to the original draft of the resolution. He discovered that what he had talked about at the Board as a change in the well ordinance and the accommodations made by the Board to BDAC in its approval were inaccurate. The ordinance in effect when the application was approved required the aquifer test on two or more lots prior to the issuance of a building permit. He revised the resolution to reflect the facts.

It was moved by D. Haywood, seconded by L. Senus and carried to adopt **Resolution No. 2009-18 -BDAC – Block 23, Lot 17.02 – Amendment to Prior Approval**. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

Approval of July 14, 2009 Minutes

It was moved by D. Haywood, seconded by L. Senus and carried to approve the minutes of July 14, 2009 and place on file. All members voted **AYE** on **ROLL CALL VOTE**, except J. Burke, T. Kratzer, S. McNicol, E. Niemann and M. Syrnick, who **ABSTAINED**.

APPLICATION STATUS

Schlachter – Block 9, Lots 13 & 13.03 – Minor Subdivision – Deed Release;
Trstensky – Block 24, Lots 13.09 and 13.01 – Minor Subdivision – Deed Release;

CORRESPONDENCE

Correspondence was reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

After some discussion, the Planning Board scheduled a Special Workshop meeting for September 29, 2009 beginning at 6:30 PM.

S. McNicol inquired if the Board of Health is reviewing an ordinance requiring alternate testing systems. D. Laudenbach responded the Board of Health took the recommendation under advisement.

Solar Panels

E. Niemann stated the Township was granted an award which required a time frame of six months to obtain estimates or get an extension. D. Posey stated he has sent an email to two employees at the BPU. D. Posey stated in reviewing the guide book, it states a detailed response is required when asking for an extension. J. Burke stated he has spoken with a person named Mark at the BPU. J. Burke stated Mark had indicated the Township had been awarded the grant and they would be forwarding a grant package which would provide the details and deadlines. J. Burke stated the Township never received the grant package. J. Burke stated there were two proposals that were submitted, depending on the usage. The BPU granted a \$90,000 grant but if the application was reviewed by the full board of the BPU, they could get a grant of \$115,000.

D. Posey stated there is another program, Local Government Energy Audit, for which the Township can apply. The idea was broached to include the rescue squad and fire company. If they are stand alone non-profits, they would not be eligible. E. Niemann responded both of them are stand alone non-profits.

ADJOURNMENT

It was moved by J. Burke, seconded by S. McNicol and carried to adjourn the meeting at 8:55 PM. All members voted **AYE**.

Respectfully submitted,

s/Diane Laudenbach

Diane Laudenbach, Secretary