

## MINUTES

**PRESENT:** R. Dodds  
D. Haywood  
T. Kratzer  
J. Mathieu  
S. McNicol  
E. Niemann  
L. Sensus  
J. Strasser  
M. Syrnick, Alt. #1  
D. Pierce, Attorney

**ABSENT:** J. Burke

### CALL TO ORDER

The meeting was called to order at 7:33 PM by R. Dodds.

### 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 Express Times, 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

#### Applications

Cacciabauda – Block 37, Lots 3.05-3.07 – Federal Twist Road – Request for Extension of Time to File

D. Pierce had spoken with the applicant's attorney and was informed they will not be appearing this evening. The applicant is requesting a 120-day extension of time to perfect the subdivision and deeds. The applicant has not received approval from the DEP to improve the driveways to the standards the board requires.

It was moved by J. Mathieu, seconded by D. Haywood and carried to grant a 120-day extension of time to perfect the subdivision and deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

#### Resolutions

*R. Dodds and E. Niemann recused themselves from their positions on the Board for the following matter.*

Resolution No. 2010-10 -Laurelton Belmont – Block 22, Lots 15.01 & 16 – Hammar Road – Request for Extension of Time to File

It was moved by D. Haywood, seconded by S. McNicol and carried to adopt **Resolution No. 2010-10 - Laurelton Belmont – Block 22, Lots 15.01 & 16 – Hammar Road – Request for Extension of Time to File.**

All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and L. Senus, who **ABSTAINED**.

*R. Dodds and E. Niemann resumed their positions on the Board at this time.*

Resolution No. 2010-11 -BDAC, LLC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Request for Extension of Time to File

It was moved by J. Mathieu, seconded by D. Haywood and carried to adopt **Resolution No. 2010-11 -BDAC, LLC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Request for Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and L. Senus, who **ABSTAINED**.

Amendment to Site Plan Checklist – Recycling Containers

E. Niemann stated the Township Committee adopted Ordinance No. 16-10-2010 -Recycling – Chapter 97 which required site plans to indicate the placement of the recycling receptacles.

It was moved by D. Haywood, seconded by S. McNicol and carried to recommend to the Township Committee Ordinance No. 16-10-2010 – Recycling – Chapter 97 requiring the indication on commercial site plans of the location of the recycling containers is consistent with the Master Plan and recommend adoption on second reading. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

Community Survey Results (Draft)

R. Dodds stated the Community Survey Results will affect the discussion later this evening. He emailed to the Board members a copy of the results of the survey a few days ago as well as the additional comments to the survey today. Several months ago the Kingwood Township Planning Board mailed a survey to the property owners of the Township. The survey was to get the residents’ thoughts about Kingwood Township. The survey indicated:

- 1. How long have you been a resident of Kingwood Township? (Check one) This question was answered by 336 respondents.**

|                    |        |
|--------------------|--------|
| Less than 1 year   | 1.18%  |
| 1 – 5 years        | 10.32% |
| 6 – 10 years       | 18.29% |
| 11 – 15 years      | 14.45% |
| 16 – 20 years      | 12.98% |
| 21 – 25 years      | 8.26%  |
| More than 25 years | 33.63% |

- 2. Overall, how satisfied are you with Kingwood Township as a place to live? (Check one) This question was answered by 332 respondents**

|                       |        |
|-----------------------|--------|
| Satisfied             | 67.85% |
| Somewhat Satisfied    | 22.42% |
| Somewhat Dissatisfied | 5.90%  |
| Dissatisfied          | 1.77%  |

**3. Future population growth will result in an increased number of land-use decisions facing the Township. Do you believe Kingwood Township should encourage, allow but not encourage, or discourage the following types of development?**

| Percentages based on total survey returns                  | Total Responses to this question | <u>Encourage</u> | <u>Allow, But Not Encourage</u> | <u>Discourage</u> |
|--|----------------------------------|------------------|---------------------------------|-------------------|
| Convenience stores   | 327                              | 9.14%            | 44.84%                          | 42.48%            |
| Other services (eg, health, gasoline, restaurant)          | 321                              | 19.47%           | 48.08%                          | 27.14%            |
| Shopping Centers or Other Retail                           | 329                              | 13.57%           | 21.83%                          | 61.65%            |
| Office parks   | 328                              | 18.58%           | 29.79%                          | 48.38%            |
| Other office-type businesses                               | 320                              | 21.83%           | 37.76%                          | 34.81%            |
| Agriculture-related businesses                             | 329                              | 59.29%           | 30.97%                          | 6.78%             |
| Recreational Facilities                                    | 328                              | 45.43%           | 38.35%                          | 12.98%            |
| Family Farms   | 337                              | 89.09%           | 9.73%                           | 0.59%             |
| Hobby Farms  | 335                              | 71.39%           | 21.24%                          | 5.90%             |
| Large corporate livestock farms                            | 333                              | 27.14%           | 28.61%                          | 42.48%            |
| Light industry and manufacturing                           | 330                              | 23.89%           | 41.00%                          | 32.45%            |
| Heavy industry and manufacturing                           | 328                              | 6.78%            | 16.22%                          | 73.75%            |
| Mineral extraction   | 325                              | 4.13%            | 18.29%                          | 73.45%            |
| Condominiums   | 334                              | 5.31%            | 23.89%                          | 69.32%            |
| Duplexes   | 333                              | 5.60%            | 28.91%                          | 63.72%            |
| Mobile-home parks  | 333                              | 1.77%            | 5.31%                           | 91.15%            |
| Multi-family residences                                    | 331                              | 7.37%            | 26.84%                          | 63.42%            |
| Single-family residential in clustered subdivisions        | 331                              | 14.75%           | 38.64%                          | 44.25%            |
| Single-family residential on large scattered lots          | 332                              | 38.94%           | 36.28%                          | 22.71%            |
| Traditional village development with small commercial uses | 334                              | 29.20%           | 29.20%                          | 40.12%            |

Looking at the results, it can be determined that shopping centers or other retail and mobile home parks have the highest discouragement.

**4. In planning for future development, to what degree should Kingwood Township officials promote or discourage action in each of the following areas?**

| Percentages based on total survey returns | Total Responses to this question | <u>Strongly Promote</u> | <u>Promote</u> | <u>Take No Action</u> | <u>Discourage</u> | <u>Strongly Discourage</u> |
|---|----------------------------------|-------------------------|----------------|-----------------------|-------------------|----------------------------|
| Environmental preservation                | 332                              | 63.42%                  | 25.37%         | 6.49%                 | 1.77%             | 0.88%                      |
| Farmland preservation                     | 333                              | 69.62%                  | 21.53%         | 5.90%                 | 0.29%             | 0.88%                      |
| Industrial development                    | 323                              | 4.13%                   | 15.04%         | 16.22%                | 22.42%            | 37.46%                     |
| Residential development                   | 332                              | 4.72%                   | 17.40%         | 32.74%                | 20.94%            | 22.12%                     |
| Commercial development                    | 332                              | 4.72%                   | 20.35%         | 21.83%                | 20.06%            | 30.97%                     |
| Recreational facilities                   | 331                              | 19.47%                  | 37.76%         | 24.48%                | 8.85%             | 7.08%                      |
| Greenway Trails development               | 325                              | 37.76%                  | 28.61%         | 18.88%                | 5.01%             | 5.60%                      |

Despite the amount of years a resident has lived in Kingwood, the respondents had the same themes, environmental protection and farmland preservation.

**5. From the list below, rank the FIVE most important issues and / or concerns that you feel currently face Kingwood Township. (Please rank the top FIVE issues in order of importance using the number 1 to 5 with 1 being most important and 5 being the least important. Use each number only once.)**

| Percentages based on total survey returns   | Total Responses to this question | 1 - most important | 2      | 3      | 4      | 5- least important | No Response |
|---|----------------------------------|--------------------|--------|--------|--------|--------------------|-------------|
| Amount of development in the Township as a whole                                  | 280                              | 18.29%             | 18.58% | 20.35% | 15.34% | 10.03%             | 17.40%      |
| Loss of farmland  | 283                              | 22.71%             | 22.42% | 17.11% | 13.86% | 7.37%              | 16.52%      |
| Environmental degradation in the Township (eg, erosion, stormwater runoff)        | 201                              | 5.60%              | 11.21% | 12.68% | 14.16% | 15.34%             | 40.71%      |
| Adequate Township services (eg., road maintenance, EMS, fire department, garbage) | 205                              | 6.19%              | 10.62% | 8.85%  | 16.81% | 17.40%             | 39.53%      |
| Township taxes  | 303                              | 45.13%             | 12.98% | 15.04% | 8.55%  | 7.08%              | 45.13%      |
| Recreational opportunities  | 112                              | 3.24%              | 2.36%  | 6.49%  | 4.72%  | 15.04%             | 66.96%      |
| Schools   | 189                              | 5.60%              | 15.34% | 12.09% | 9.14%  | 12.98%             | 44.25%      |
| Crime   | 105                              | 5.01%              | 3.54%  | 4.72%  | 5.31%  | 10.91%             | 69.03%      |
| Other (please specify):   | 53                               | 6.49%              | 2.06%  | 2.06%  | 2.36%  | 2.65%              | 84.37%      |

The results were reflective of what the Township thought as a whole. When adding responses to question Nos. 4 & 5, almost 58% of the respondents think Nos. 1 & 2 of question Nos. 4 & 5 are the next largest issues. Maintaining the Township as is it currently exists was important to the respondents. Strong individuality, community pride, alternative forms of energy and a variety of stable businesses are very high. After the Board members have had a chance to review the results and written additional comments, the results will be distributed to the public.

**Draft Ordinance for Residential Storage Containers – Amendment to Zoning Ordinance– Discussion**

R. Dodds stated the purpose of the discussion is if the Board will or will not recommend the introduction and adoption of an ordinance permitting storage containers in the residential zone. He has spoken with a representative of Portable On Demand Storage (PODS). The company indicated they deliver them, take them away and then bring them back. The renter keeps them for a period of time. The particular company has three sizes, 8x7x7, 8x8x12 and 8x8x16. The containers weigh 2100 lbs. empty and 7500 lbs. full. The company has a data base of every town and their requirements. Kingwood does not require a permit or have any restrictions. The current ordinance does not permit that type of container in the residential zone. The original draft deleted the definition of cargo container and refined it as portable storage container. He stated the containers are currently being used in the Township. Should the Township enforce the existing code prohibiting them or permit them for residential use? He opened the matter up for discussion between the Board members.

E. Niemann indicated in the past she has recused herself from the discussion due to a conflict. She advised the Board that the conflict no longer exists.

J. Mathieu stated he is in favor of opening them up for residential use. There is definitely a use for them. The ordinance needs to provide for the appropriate size, length of time period for the unit, mechanism for helping someone with a fire, allowing for an extension of time in certain circumstances and the need for permitting and/or registering the person obtaining one for their use.

T. Kratzer stated he would not want to see one on someone’s property for a long period of time. In his family, someone passed away and they need to clear out the house and the use would be project specific.

M. Syrnick stated she would like to see a limit on the size and the amount of time that it is at a site.

D. Haywood would like to see the limitations mentioned earlier.

L. Senus stated the units definitely serve a purpose. There should be a limitation on the size, duration, number of containers on a property and location on the property. A resident should be allowed to utilize the containers if they are doing construction, renovation or experiencing a catastrophe of some sort.

S. McNicol stated she finds there is a need for the containers. Other communities have toyed with the idea of banning them. Bloomsbury has just banned them recently. The Star Ledger did an article in 2008 on them. Nationwide there are 450 municipalities with known regulations against PODS. Allowing them can be useful but the ordinance should have requirements so they do not become a problem.

E. Niemann stated she is in agreement with everything that has been said.

J. Strasser stated they should be allowed and could be a real asset. There is a need during an emergency or moving. A permit should be applied for before it is delivered to the resident. The ordinance should provide for a few rules, including the need to tie them down as well as a time frame.

After some discussion by the Board members, the following changes to the draft were suggested and/or added (italicized wording added):

Section 132-4 Definitions:

“Portable Storage Container – Any container or other unit, consisting of four sides, a floor and a top, that is designed or used for the purpose of holding, *transporting* or storing items and/or materials, including, but not limited to household goods, wares, building materials or merchandise, on a temporary or permanent basis, or for shipping such items and/or materials, and which can be transported from place to place by truck, train or ship. *Notwithstanding the foregoing, all trailers and trucks that are currently registered, tagged and insured for use on public roads and are used by an agricultural, commercial or industrial operation to transport goods, products and materials from one location to another shall be excluded from the definition of portable storage container.*”

Section 132-11(E) Mobile Homes, trailers or campers:

- 1) In residential zoning districts, provided that appropriate permits as set forth below are obtained, ~~no more than~~ one portable storage container shall be allowed on a lot for a period longer than thirty (30) days per year unless approved by the Construction Official or his designee as being incident to an active building permit issued by the Township for the lot in question. Use of a portable storage container that is determined by the ~~incident~~ Construction Official or his designee as being incident to an active building permit issued by the Township for the lot in question shall not exceed ninety (90) days.
- (2) In business or commercial zoning districts, ~~no more than~~ one portable storage container shall be allowed on a lot for a period longer than five (5) days per year unless approved by the Construction Official or his designee as being incident to an active building permit issued by the Township for the lot in question. Use of a portable storage container that is determined by the ~~incident~~ Construction Official or his designee as being incident to an active building permit issued by the Township for the lot in question shall not exceed ninety (90) days.

- b. Portable storage containers permitted pursuant to subsection (1)(a) above shall be subject to the following restrictions:
- i. No portable storage container shall exceed 20 feet in length, 8 feet in height or 8 ½ feet in width.
  - ii. The portable storage container shall conform to all setback requirements.
  - iii. No flammable, combustible, toxic or hazardous substances or wastes, as defined by applicable state and federal law, shall be stored in the portable storage container.
  - iv. The portable storage containers shall have the name, address and telephone number of the owner prominently displayed ~~in lettering that is not less than four (4) inches high and not more than eight (8) inches high.~~
  - v. Portable storage containers shall not be stacked on top of one another or stood on end.
  - vi. The portable storage container shall not be used for living quarters *for humans or animals or as a workspace* and shall not be fitted or provide with electricity, heat, air conditioning, plumbing or refrigeration.
  - ~~h. Each portable storage container shall be a uniform color which shall be either white or a neutral earth tone.~~
  - vii. The portable storage container may not be placed in a flood hazard area.
  - viii. When not in active use, the portable storage container shall be locked.
  - ix. The portable storage container shall be secured by tie downs on each end to prevent it from tipping or blowing over.
  - x. Prior to the use and/or delivery of a portable storage container to a lot in the Township, a permit shall be obtained from the Kingwood Township building official. The applicant for a permit for a portable storage container shall submit a plot plan and sketch, or survey, showing the location of all structures on the property and the proposed location of the temporary storage container. The application fee for a thirty (30) day permit shall be \$25.00 and for a ninety (90) day permit shall be \$75.00.

After some additional discussion, the Board requested D. Pierce draft a section dealing specifically with agricultural properties.

R. Dodds open the matter to public comments.

G. Dick, Oak Grove Road, commented on compliance and enforcement. The Township can adopt an ordinance, but if there is no enforcement the ordinance does not mean anything.

G. Klymec, Thatcher Road, commented on the environmental issue of the containers. The Township does not know where they have been manufactured or what has been stored in them. Have they been sanitized? Bringing unknowns into a residential zone might bring a Pandora's box of items that will need to be addressed.

C. Arthur expressed her concern about family, community and holding property values. She is concerned about allowing that type of business in the Township.

Draft Ordinance for Container Use - Amendment to Zoning Ordinance – Discussion

R. Dodds stated the next discussion is to consider allowing the business of storage container rental and the storage of container rentals in the Kingwood.

T. Kratzer stated he thinks it will be a problem in the long run with the size consideration and activity of the business. It is not just going to be an aesthetic item but noise as well. He has seen these in other locations and the colors are not the best. They stand out obviously from any natural consideration.

M. Synchron stated cargo containers on the Route 12 corridor and different types of containers are not attractive to that particular area of the Business Park. There are no ratables, benefits or aesthetic values to the business. It is not an asset to the Township.

D. Haywood stated she has mixed feelings. In the right conditions, it could be good and not detrimental to the Route 12 corridor. The Board has to make sure all the residents are protected. The Board has to ascertain the appearance of Route 12 is positive.

L. Senus stated the PODS or PackRat businesses warehouse their boxes. The storage of the containers is enclosed. The containers do not sit out. They do not have the same construction and ruggedness as a sea-going container. The prospect of a warehouse operation that stores PODS is not inconsistent with what we currently have in the BP zone. Standard over-sea containers parked and stored pending rental are completely different aesthetically. She does agree there is room somewhere for this kind of business. She is concerned about the aesthetics of Route 12 and allowing this type of business along the Route 12 corridor. It would have a detrimental effect on the Township's appearance.

S. McNicol stated the BP district consists of 790 acres. If the Township allows the ordinance, the entire 790 acres are open for this type of business. Anyone can come in and bring in storage containers of all types. By creating a specific ordinance, it will allow a property owner to apply to the Board of Adjustment for a variance to the ordinance. She has concerns about the traffic and operating hours. She has done some investigating with the Tax Assessor and has found no ratables will be gained from the containers. The containers are intangible. Locally, other communities do not allow storage containers. A lot of items are extremely difficult to enforce. Enforcement brings cost on to the Township. Empty containers are not necessarily quiet. The loading and unloading of the containers can cause a noise problem. She feels there are too many layers to the ordinance and it is too difficult to enforce. She would recommend not changing the current ordinance, which has not created any enforcement issues.

E. Niemann stated there are a lot of issues that have been raised that are a concern to her as well. She stated the survey indicated a substantial number of the residents answered the questions pertaining to Route 12 and the gateway to the Township. Some respondents wrote long notes and added information to support their opinion. There is no way to stop additional storage container businesses from locating along the Route 12 corridor if the Township adopts the draft ordinance.

J. Strasser stated the prior ordinance did not allow the storage containers and he sees no reason why the ordinance should be changed.

J. Mathieu stated good points have been made this evening. He is sensitive to the residents' concerns about Route 12. There are some really wonderful facilities along Route 12 that can be controversial but are an asset, such as Flower Hill Auto Body Shop. It was the last auto body shop that was allowed along Route 12. The ordinance could provide for a limit on the number allowed in the Township. The Township could not adopt an ordinance allowing only one operator. The use could be permitted in the Industrial Zone. With a warehousing operation the Township could get a better tax ratable but also a COAH obligation. He would not say they

should not be allowed but allow for certain restrictions, such as height, length and without the capability of going beyond the PODS type of business.

R. Dodds stated this is not a public hearing. The Board is interested in comments from the public. The draft deals with having storage containers as a business, such as storing and/or rehabilitating them. He requested the comments be limited to a maximum of five minutes.

G. Dick, Oak Grove Road, commented on how much discussion was had with regard to allowing PODS containers on residential properties. The Township would need to write an ordinance with stipulations of set backs, buffer zones, site restrictions, traffic restrictions, size of container restrictions, use restrictions and height restrictions. He inquired if it was right to write an ordinance with all these restrictions so it could fit something into the Township. He stated most of the Board members had questions if this type of business belongs in the Township. He stated the survey indicated a 90% disapproval response for mobile home parks. How much of a disapproval rate would there be for a storage container business? Should the Township make a fit for a business that does not fit in the Township?

L. Lezak, Baptistown, commented when the trailers are no longer usable, what will happen to them? Will they be removed out of Kingwood?

R. Dodds stated, based on the comments made by the Board members, the Board was disinclined to continue with the change in the ordinance that currently exists. The comments also indicated if the business was modified to a business in an enclosed building, it would be significantly different. It would be behind closed doors as opposed to out in the open and visual.

L. Senus stated the business might be more suitable in the industrial zone rather than in the business park zone. Any change should be considered as part of the overall review of the Route 12 corridor of the master plan.

E. Niemann responded an issue has been raised that will not wait for that time.

R. Dodds stated the Board indicated to the original applicant that a decision would not be made until the results of the survey had been reviewed. The surveys indicate that the public is not anxious to develop this type of business in Kingwood.

#### Open Space and Recreation Plan draft and Solar Farms

R. Dodds announced D. Banish is looking for any comments on the Open Space and Recreation Plan draft. He has requested D. Banish gather draft ordinances for solar farms. The Board, by their next meeting, should have some model ordinances to review as well as a draft one for Kingwood Township.

#### Vacation of southern portion of Picnic Grove Road

A. Russano, 18 Milltown Road, if the Township vacates half of Picnic Grove Road, what happens to the other half? He owns 1300' on Picnic Grove Road. He has been a resident for 21 years. S. Zdepski purchased the property 9 years ago. He has a lot of problems on Picnic Grove Road with mopeds, motorcycles and quads. They go down passed the second bridge. The properties meet 50' to 100' passed the bridge. He is requesting a barricade be installed where the road will end. He stated he could have made a lot off of Picnic Grove Road at any time. The back of the lot is wetlands. He will talk it over with his wife and family if they were interested in an agreement. If the agreement does not work out and he has a problem, he will go after everyone. He does not need any more aggravation.

S. Zdepski stated he is confused as to why this is a Planning Board issue. It should be a Township Committee issue. He is not in any position to swap land with anyone. He has obtained driveway permits for Lots 10.01 and 10.02 on Picnic Grove Road. The subdivision creating those lots was approved by the Planning Board several years ago with the express condition that the driveways for Lots 10.01 and 10.02 exit on Picnic Grove Road. He has complied with the conditions of approval. He does not know why it is such a major issue vacating it. He agrees with vacating the portion with the culvert for the Cat 1 stream. The culvert is in bad shape. He stated it does not make a lot of sense to connect the northern and southern portion of Picnic Grove Road. He would not ask the Township to improve the road. He inquired of where the Planning Board was going with this issue?

R. Dodds responded the Board is looking at all the roads that should be abandoned or vacated in the Township. E. Niemann stated the request came from the Township Committee. The Township Committee asked the Planning Board to look at some issues and come back to the Township Committee with recommendations.

S. Zdepski stated there is an illegal sign that is preventing him access. The sign was originally put up by the road department. He called J. Burke and requested it be moved back to the first culvert and the road department moved it to the first culvert. Someone then illegally put the sign back up to the beginning of the road.

After some discussion, it was moved by J. Strasser, seconded by S. McNicol and carried to vacate that portion of the southern end of Picnic Grove Road 305' north of the second culvert. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Approval of Minutes**

It was moved by J. Mathieu, seconded by S. McNicol and carried to approve the minutes of May 11, 2010 and place on file with the following changes:

Page 5 – Paragraph #5 – second to last sentence: *He ~~does~~ did not expect the Township to pay for any portion of the improvements to Picnic Grove Road.*

Page 5 – Paragraph #7 – R. Dodds read the following from the March 16, 2005 minutes: *Committeeman Zdepski briefly described an experience he had with the County only giving him conditional approval on his application. He also reviewed work that needed to be done on Picnic Grove Road from Milltown Road. He is hoping to get the Township to work on and complete Picnic Grove Road, which goes through to Milltown Road for the access to his two daughter's properties. Many questions between the Committee, Mr. Zdepski and Public Works Supervisor Jack Search. J. Search responded explaining what needs to be done and what materials they will need to complete the job. The Township Committee authorized the Clerk to contact the Township Engineer to file for a general permit for a pipe to be extended from Milltown Road to the first culvert on Picnic Grove Road.*

All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and L. Senus, who **ABSTAINED**.

### **Approval of Executive Session Minutes**

It was moved by S. McNicol, seconded by J. Mathieu and carried to approve the Executive Session Minutes of May 11, 2010. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and L. Senus, who **ABSTAINED**.

### **Privilege of Floor**

R. Dodds opened the meeting for privilege of the floor. No comments were received.

### **Executive Session – Resolution No. 2010 – 12.**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S. 10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

#### **Personnel**

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and -13.

4. This resolution shall take effect immediately.
5. The Planning Board may take additional action upon returning to regular session.

It was moved by S. McNicol, seconded by D. Haywood and carried to adopt the foregoing resolution. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds announced the Board had returned to regular session.

### **APPLICATION STATUS**

### **CORRESPONDENCE**

R. Dodds reviewed as per the agenda.

Dilts & Koester – Re: Storage Containers - D. Pierce stated it is his position that there is no ordinance that has been introduced by the Township Committee which has been referred to the Planning Board for recommendation so no action by the Board needs to be taken. D. Laudenbach was instructed to write a letter

for R. Dodd's signature to the Township Committee indicating the Board discussed the prospect of that type of use and the Board was not in favor of a change.

New Jersey Water Supply Authority;  
Alexandria Township Planning Board – Master Plan Amendment;  
NJ Planner;

**ADJOURNMENT**

It was moved by J. Mathieu, seconded by S. McNicol and carried to adjourn the meeting at 10:05 PM. All members present voted **AYE**.

**Respectfully submitted,**

s/Diane Laudenbach

**Diane Laudenbach, Secretary**