

MINUTES

PRESENT: J. Burke
R. DeCroce
D. Haywood
J. Lutz
J. Mathieu
S. Rawlyk
T. Siano
J. Strasser
J. Harabedian
L. Herrighty (8:07 pm)

ABSENT: J. Abel

CALL TO ORDER

The meeting was called to order by J. Lutz at 8:06 PM.

NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Delaware Valley News and Express Times and sent to the Hunterdon County Democrat, and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Van Veldhuisen – Block 15, Lot 8.02

R. Drake, attorney for the applicant, stated the applicant had requested a public hearing for June 14, 2005. The newspaper failed to publish the notice. He is requesting the matter be carried to the July 12, 2005 meeting. The surrounding property owners will be reserved.

D. Pierce stated the board should request the applicant to agree to an extension of time to hear the matter. R. Drake stated he would forward the request.

Approval of Minutes

It was moved by D. Haywood, seconded by J. Strasser and carried to approve the minutes of May 10, 2005. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolutions

It was moved by T. Siano, seconded by J. Mathieu and carried to adopt **Resolution No. 2005-15 – Kocsis – Block 1.02, Lot 5**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by R. DeCroce, seconded by D. Haywood and carried to adopt **Resolution No. 2005-16 – Mitchell – Block 19, Lot 14.02**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by J. Burke and carried to adopt **Resolution No. 2005-17 – O’Connell - Block 8, Lots 2 & 3**. All members present voted **AYE** on **ROLL CALL VOTE**.

Applications

Honeymar – Block 26, Lot 4 – Minor Subdivision/Variance

J. Lutz called the matter. No response was given.

Laurelton-Belmont – Block 22, Lot 17 – Amendment to Prior Approval

T. Miller indicated neither the applicant nor the witness were present at this time and requested to be postponed to a later time on the agenda.

Proposed Ordinance No. 13-6-2005

D. Pierce stated the ordinance formally establishes the agricultural advisory committee. It codifies the existing practice.

The board expressed their concern in the definition of “farmer”. The board recommended the following change to the ordinance:

In Section 74-5(B)(1)(b) – delete the phrase, “public that are also farmers” and replace it with the following phrase “citizenry of the Township with a preference that such appointees be actively engaged in agricultural activities where possible.”

It was moved by J. Mathieu, seconded by J. Strasser and carried to recommend to the Township Committee the adoption of proposed Ordinance No. 13-6-2005 with the above change. All members present voted **AYE** on **ROLL CALL VOTE**.

Laurelton/Belmont – Block 22, Lot 17

Present for the application were T. Miller, attorney, J. Symonds, engineer, D. Nenna and B. Casuscelli, applicants.

T. Miller stated the applicant is seeking an amendment to the preliminary final approval granted by this board previously. The amended subdivision will have a 10-lot configuration. DEP regulations have required the applicants to modify the subdivision.

D. Pierce stated the certified list provided by the Tax Assessor indicates three lots, which were not served a notice. D. Laudenbach went and reviewed the tax map and felt the three lots were not within 200'. D. Pierce determined the notice by mail and publication were sufficient and the board could exercise jurisdiction.

J. Symonds was sworn in by D. Pierce.

J. Symonds testified the new plan is the same plan submitted to the DEP. The plan was amended due to the fact the Muddy Run had been classified as a Category 1 stream in November of 2004. The basic change to the plans the board currently has is the planting plan. The yellow line on the plan is the 150' buffer. Small streams are classified as Category 1 when they are draining in the Muddy Run. They require a 300' buffer. The buffer may be reduced if the total suspended solids are reduced by 95%. The site would normally have the suspended solids reduced by 85%. Any open areas, as shown in light green on the plan, must be reforested. The woodlands jutting out beyond the 150' buffer that are presently wooded must remain wooded. The effect of the Category 1 Stream is that it moved the detention basins on Lot 17.02 and 17.01 to Lot 17 at the lower portion of the site. Lot 17 previously was two lots, now it is one. Lots 17.01 and 17.02 were being accessed from Barbertown Point Breeze and they now will access the interior subdivision road. All the driveways accessed by the township roads have been removed. The detention basins depths are:

- 1st basin – 4' to 6' deep
- 2nd basin – 18" to 2' deep
- 3rd basin – periodically inundated.

The maintenance of the detention basins will be the responsibility of the homeowner with an easement to the township created for access if the homeowner fails to perform the maintenance. The detention basin will have a fence around the perimeter. Basin #1 will most likely have water in it at all times. The grading plan indicates an ordinary resource value wetland ditch that traverses across some of the lots but is not present on the actual preliminary plan due to the fact the applicant is requesting a permit to fill the ditch.

J. Lutz called for comments from the public. No response was given.

J. Symonds further testified the roadside ditch is not under the jurisdiction of the DEP due to the fact it is not a 50-acre tributary. The applicant will be able to pipe the ditch up to the 150' buffer. Almost all of Road "B" will be constructed as part of this application. To cross the stream, the applicant is requesting a stream encroachment permit.

Some board members expressed their concern of the outdated plans before them this evening.

D. Pierce stated the board could proceed based on the information presented to them conditioning any approval on the submission of a revised plat. Another issue he has become aware of this weekend, there was a case reported from the Appellate Division last week that involved a development where the developer took a piece of property and divided it into eight lots for age restricted housing to get around the treatment works approval requirement for wastewater discharge. The DEP took the position, although there were 8 separate lots, it was considered a single property under a common plan of development requiring the developer to get approval for the treatment works for each individual lot. He is suggesting the Board condition any approval on receipt of treatment works approval or a letter of exemption from DEP.

D. Pierce stated the DEP installed exemptions from the more onerous permit requirements for individual septic systems under 2000 gallons. There was an administrative interpretation of the term “property”. It is much broader than a single lot being created. The DEP might consider the discharges in the aggregate and impose restrictions on those discharges.

R. Lorentz commented on the potential issue of dual jurisdiction over the Stormwater management. RSID governs residential development within the state. They invoke the state Stormwater management rules, which are used in reviewing all subdivision within New Jersey, regardless of whether there is DEP involvement. When an applicant applies for a Stream Encroachment Permit, the DEP will review the Stormwater management. In order to advise the board of the acceptability of the plans, he would like to see more of the information submitted to the DEP, such as the details on the plantings and best management practices. It can be done on a conditional basis. In regard to the detention basins, the homeowners’ association would have the primary responsibility to maintain and repair the system. There is usually an override provision that the township has the right, but not the requirement, to fix it at the cost of the homeowners.

T. Miller stated, when it is constructed, the developer has an obligation to a performance bond. Only after it has been inspected and approved, will it be turned over to the homeowners association.

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

CORRESPONDENCE

J. Lutz reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

Ukarish – Block 19, Lot 5

R. Lorentz informed the board, as a result of a memorandum of agreement between the Township and the County in regard to the above captioned, the County is requesting a conservation pipe easement be provided along the western side of the Lockatong as it traverses through the property. The County suggested the property line for Lot 5, containing the present buildings, be moved 150’ west so no part of the easement would encumber the property. The rest of the land will be merged with Lot 8, which is the township park. The County also suggested a dedication ROW along Route 519, providing site triangles. The boundary line adjustment would be an adjustment between three properties owned by the Township.

It was moved by J. Abel, seconded by D. Haywood and carried to approve the boundary line adjustment and to waive the application fees. All members present voted **AYE** on **ROLL CALL VOTE**.

OTHER MATTERS

DeRewal Site – Block 50, Lot 9

J. Abel commented, during the flood in April, several residents saw the property under water. The test wells had whirlpools around them. The Environmental Commission would like to contact the manager and get the

test results and well data so the Commission could be informed if any contamination occurred. The Environmental Commission would like to know if the Planning Board would like to pursue the request for the information.

D. Pierce stated the matter is a township committee matter since the committee dealt with the EPA through the clean up. All the information should be available by completing a Freedom of Information Act Request indicating the information the Committee is requesting.

S. Rawlyk commented he would contact the Township attorney in regard to the matter.

Environmental Commission

J. Abel stated he has received information that the Chairperson of the Environmental Commission is preparing a list of homes and additions in Kingwood, which are being claimed, were approved by this Board and the Board of Adjustment in wetlands, without warning or concern of the DEP requirements in those areas.

S. Rawlyk will look into the matter.

Farmland Preservation

S. Rawlyk stated there are currently two farms, which will be eligible for funding from the state and county for preservation. The township's contribution will be \$59,000 for 45 acres and \$79,000 for 76 acres. The properties are the Rozansky and Sargenti farms.

ADJOURNMENT

It was moved by J. Burke, seconded by T. Siano and carried to adjourn the meeting at 9:37 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary