

**MINUTES**

**PRESENT:** J. Abel  
J. Burke  
R. DeCroce  
D. Haywood  
J. Lutz  
S. Rawlyk  
T. Siano (8:01 PM)  
J. Strasser  
J. Harabedian, Alt. #1  
L. Herrighty, Alt. #2  
R. Lorentz, Engineer  
D. Pierce, Attorney

**ABSENT:** J. Mathieu

**CALL TO ORDER**

The meeting was called to order by J. Lutz at 8:00 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**

*Approval of Minutes*

It was moved by D. Haywood, seconded by J. Burke and carried to approve the minutes of June 14, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser and L. Herrighty, who abstained.

It was moved by J. Burke, seconded by D. Haywood and carried to approve the minutes of June 21, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

*Resolutions*

It was moved by J. Strasser, seconded by D. Haywood and carried to adopt Resolution No. 2005-18 – Laurelton-Belmont, Block 22, Lot 17. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt Resolution No. 2005-19 – Ukarish, Block 19, Lots 5 & 8. All members present voted **AYE** on **ROLL CALL VOTE**.

### *Applications*

#### **Schick - Block 14, Lot 39 – Minor Subdivision**

C. Schick was present for the application this evening. The application proposes to create two new lots containing approximately two acres each. The septic system is indicated on the plot only in an estimated area. The well head is located under one of the trailers. Many of the sheds were utilized in the kennel operation many years ago. Some have concrete floors and cannot be moved. An application with the DEP has been filed for an LOI.

R. Lorentz commented the remaining lands do not contain 200' of frontage along Fairview Road. The lot would qualify as a flag lot. The plat indicates the building envelope extends into the flag staff. There is no requirement of separation distances between driveways in the ordinance. There should be site easements at the end of the driveways.

The Board discussed the presence of the trailers on the property. The applicant has consented to remove the trailers within 180 days.

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

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

#### **Perrotti - Block 7, Lot 14.10 – Minor Subdivision**

The matter has been deemed administratively incomplete due to information lacking from the application.

#### **Honeymar – Block 26, Lot 4 – Minor Subdivision with Variance**

R. Grant, surveyor and planner for applicant, S. Honeymar, applicant, and P. Honeymar, applicant, were present for the application this evening.

D. Pierce reviewed the proof of publication and service. The applicant has satisfied the notice requirements and the board can exercise jurisdiction in the matter.

D. Pierce swore in R. Grant.

D. Pierce swore in P. Honeymar.

D. Pierce swore in S. Honeymar.

J. Lutz stated the board accepts the credentials of R. Grant as a land surveyor and planner.

R. Grant stated the applicant has owned this property for 2.5 years and is proposing to subdivide two new lots with a remaining lot. The current lot is presently utilized for residential use, with a dwelling, garage, office area, storage buildings and a run in shed. There is a pasture area for sheep. The lots will front on Kingwood Locktown Road, as well as a flat lot. The frontage lots will contain 2.17 and 2.00 acres each and the flag lot 5.9 acres. The variance being requested is for an existing dwelling. The dwelling is located 36.5' from the side yard with the ordinance requiring 40'. An LOI has been applied for the property.

J. Lutz called for comments from the public.

D. Pierce swore in B. Matybell.

B. Matybell indicated she owns the property next to the property in question. She expressed her concern in regard to how the proposed application will impact her property. In the past, prior owners had horses and manure was left at the creek.

R. Lorentz stated the development is down gradient from her property. Any drainage would run towards the stream and to the west.

B. Matybell inquired if someone has reviewed the use of the water and the aquifers.

J. Abel responded the Environmental Commission has reviewed the application and have no problem with it. He stated the Environmental Commission has plotted well data for the Township and this was not one of the arrears of concern.

S. Honeymar testified there were no horses present on the property now. She testified she might possibly be living in one of the houses that will be built. She has three sons.

The board expressed concern of the location of the fence. It does not depict the property lines.

R. Grant testified the applicant/owner will remove all fencing and not reset it.

R. Lorentz indicated the applicant received conditional approval from the County on December 16, 2004. He inquired if they applicant has complied with the conditional approval.

R. Grant responded he has not discussed the conditional approval with the County engineer. The applicant would like the County continue to maintain the structure and provide the County with an easement. There is no provision in the conditional approval for a monetary contribution.

R. Grant stated the variance should be granted, without detriment. The applicant is seeking a waiver of only 3.5' from what is required. The alternative is for the applicant to remove the dwelling.

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

*J. Lutz recused himself from the following matter.*

D. Haywood chaired the following matter.

**Van Veldhuisen-Block 15, Lot 8.02 – Amendment to Prior Approval**

R. Drake of Archer & Griener, was present for the applicant. The application is for the Route 12 Business Park. The lots involved are Lots 8.02, 8.03 and 8.04. Resolution No. 2001-17 granted site plan approval and subdivision. The property is located in the BP Zone and consists of 37.5 acres. The development was originally approved as a phased project. Buildings A & B II as phase I and B I and B III would receive apply for approval after the applicant secured adequate septic capacity. The applicant was able to obtain a treatment works permit from the DEP to handle the onsite water treatment for all the buildings. The permit was granted last year. They will not be using individual septic systems. The applicant does not intend to phase the project but build it in its entirety. D. Pierce indicated he has reviewed the affidavit of publication and proof of mailing and has deemed them adequate. The Board can exercise jurisdiction in the matter.

D. Pierce swore in R. Clerico of Van Cleef Engineering.

R. Clerico testified the project is as originally approved. On the southerly south easterly side of building "F", a portion has been removed to avoid an encroachment in the water feature. The prior plan crossed over the ditch. The parking area has been drawn back to avoid any encroachment on the ditch. The Stormwater feature, originally discharged out into the wetland area, has been modified to discharge near the 50' buffer. The changes are indicated on sheet 3.1A and 3.1B. The significant changes, aside from the wastewater system, are a removal of the phasing component of this application and the proposed treatment plant. The parking area scaled down is to be utilized for outside storage of vehicles. The detention facility has a controlled outlet which would allow it to drain. Nothing located on the property would hold water for any length of time.

L. Fry of Fry Engineering is the record engineer for the design of the waste water treatment plant. He described the treatment plant and the process. The treatment plant is a fiberglass building which meets all local building codes. It is prepackaged and prewired. The system will have a high level of recycling. There will be an on-site disposal trench. The waste water will be able to be utilized for irrigation. The system is based on 125 employees. They are looking to recycle 70% to 80% of the water. The permit was issued to Van Veldhuisen Partnership on June 1, 2004 and will expire on May 31, 2009. All of the proposed effluent can be accommodated by this plant. They will be required to have a licensed contractor with an "S" license.

A. VanVeldhuisen was sworn in by D. Pierce.

A. VanVeldhuisen is one of the principals in the family partnership. He is familiar with the project since it was approved by the Board. The new water tower falls under the fire codes adopted by the State of New Jersey. The tower will provide 90 gallons a minutes for 60 minutes. The tank contains 300,000 gallons of water. The new tank is 720' off of Route 12, near buildings A & C. The tank will not be visible from Route 12.

J. Frye testified the RBC building will be in two parts. The tank is about 8' in depth and the building will be sitting 3.5 to 4' above grade. There will be a fiberglass enclosure over it. The tertiary building will be built at grade to accommodate the effluent tank. The eave will be about 14'. There

is a 10' drop between the back of the property and Route 12. The building is a sealed building and the wastewater treatment building has a closed tank and is aerobic. The system is similar to the one at the school.

A. Van Valdhuisen testified several 8 to 10' white pine evergreen trees will be planted. The buildings throughout the park will all match the same theme. They anticipate renting space to service businesses to serve the community. The roof will be with a silver galvalum roof. It is the most energy efficient. On a bright sunny day the color reflects the heat and blends into the sky. One of his buildings in Whitehouse has the same roof. The peaks of the buildings are 30 to 31'. They are 80' wide.

D. Pierce commented the freshwater wetlands permit was issued in 1999.

R. Drake responded it has been applied for and renewed. The applicants are here this evening to eliminate the phasing due to the fact they now have sewer capacity, to relocate the water tank and to receive approval for the color of the roof. The only issue outstanding is the proposed sign. The applicant is withdrawing the application for the sign and will return separately for approval.

D. Pierce stated the condition of phasing was imposed because of inadequacy of wastewater treatment ability. They have an approval in place and this amendment will not change the other portions of the prior approval. All other conditions will remain in effect.

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

*J. Lutz resumed his seat on the board.*

#### **Kocsis – Block 1.02, Lot 5 – Waiver of Application & Escrow Fees**

D. Pierce reported to the Board no application or escrow fees were paid for the application. They have already received their approval. The board should take formal action to waive the application or escrow fees.

It was moved by J. Abel, seconded by J. Burke and carried to waive the application and escrow fees providing the applicant pays for the professional service fees incurred in the application. If the applicant refuses the matter will be revisited. All members present voted **AYE** on **ROLL CALL VOTE**.

#### *Well Ordinance Letter*

D. Pierce stated he wrote the letter to the Planning Board in response to the application for Frenchtown Run. The well ordinance requires Board of Health review of the well testing results. The ordinance does not provide for any escrow fees for professional review. The Planning Board could request the Board of health to provide for an escrow fee. The Planning Board could also request the Board of Health to allow the Planning Board to review the information required for major subdivisions and site plans.

R. Lorentz stated he serves on request as a professional engineer for the Board of Health. The attorney for Board of Health will have to draft a resolution as a certificate of approval for the application.

T. Hauck stated he is studying the water well yields of the township. He is a member of Environmental Commission and has had some input into the well ordinance. There is an excellent well ordinance in Franklin Township. Franklin Township's ordinance clearly indicates the Planning Board are the ones that approve it. The Planning Board is responsible for the water. The Planning Board has the option to waive the requirements. The Board of Health took eight years to adopt the ordinance. The ordinance needs a lot of work.

D. Pierce stated the ordinance, as it is written, is very explicit in that the administrative agency is the Board of Health. A change would require an amendment to the current ordinance permitting the Planning Board the administrative authority.

R. Lorentz stated a hydrogeologist will have to be hired to review the data supplied by the applicant.

David R. Pierce, Esq. – Escrow Accounts

D. Pierce stated the township has been pretty relaxed in terms of its escrow fees. A lot of other boards require applicants to execute an escrow account agreement which provides the landowner as well as the applicant will be responsible for the escrow fees. The issue of escrow fees came up due to an application before the Board of Adjustment. The board required a court reporter to take transcript of the hearing. Unfortunately, the court reporter did not send her bill in time but a couple months after the hearing. The application was denied. There was nothing to hold in front of the applicant to pay the fees or you will not get your approval. The only remedy is if the Board or Township were to include the execution of an escrow agreement.

It was moved by J. Abel, seconded by T. Siano to recommend to the Township Committee to adopt the requirement of an escrow agreement for applications before the Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

#### *Well Ordinance*

D. Pierce stated the escrow amount would be determined by the governing body. It would have to be replenished prior to being provided with a certificate of approval. The checklist would need to be amended to put applicants on notice to provide this information prior to the application being deemed complete.

It was moved by J. Abel, seconded by T. Siano and carried to request the Township Committee change the administrative authority of the well ordinance for subdivisions and site plans to the Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Pierce will contact M. Nergaard, Township attorney.

D. Pierce stated if an ordinance is changed during an application, the applicant has to comply with the new ordinance.

D. Pierce stated the Board has 120 days to approve an application. They need to obtain some names and resumes for hydrogeologists.

J. Burke stated R. Lorentz and D. Pierce should provide three names for the board to review.

G. Pandy, resident on Spring Hill Road, commented on the possible contamination on Block 12, Lot 31.

D. Piece advised G. Pandy to offer her testimony when the application is being heard.

### **CORRESPONDENCE**

J. Lutz reviewed as per the agenda.

### **PRIVILEGE OF THE FLOOR**

### **OTHER MATTERS**

### **ADJOURNMENT**

It was moved by J. Strasser, seconded by J. Burke and carried to adjourn the meeting at 10:17 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**