

AUGUST 13, 2015

MINUTES

7:30 PM

PRESENT:

T. Ciacciarelli
R. Dodds
L. Riggio
J. Strasser
L. Voronin, Alt #1
C. Ely, Alt #2
T. Decker, Engineer
D. Pierce, Attorney

ABSENT:

P. Lubitz
J. Mathieu
S. McNicol
E. Niemann
M. Syrnick

CALL TO ORDER

The meeting was called to order by D. Laudенbach at 7:31 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

Nomination of Chairperson

R. Dodds was nominated by C. Ely, seconded by T. Ciacciarelli as Chairperson for the August 13, 2015 meeting.

It was moved by J. Strasser, seconded by T. Ciacciarelli and carried to close the nominations. All members present voted **AYE**.

Block 6, Lot 18 – DelVal Feed – 1139 State Route 12 – Site Plan/Graphics Permit –Hearing

D. Pierce stated the Board has received drawings from J. Fisher indicating the location on the lot of the feed store and the proposed parking outline. The drawing provides a record for the site plan application.

J. Fisher stated the store is open Monday – Saturday from 9-6 PM. All deliveries are between those hours. There are no Sunday hours.

T. Decker stated the proposed parking is sufficient. T. Decker inquired what size was the largest vehicle that would be delivering to DeVal Feed.

J. Fisher responded the largest vehicle would be a tractor trailer. The driveway is approximately 2.5 cars wide. He probably gets one delivery a week.

T. Decker stated the application is fairly straightforward and the parking is adequate. The driveway has proper access to Route 12 and tractor trailers can maneuver it.

It was moved by L. Riggio, seconded by C. Ely and carried to grant preliminary and final site plan approval based upon the maps and drawings submitted and to approve the issuance of a graphics permit with the following conditions:

1. The hours of operation will be Monday through Saturday from 9 AM to 6 PM. There will be no operations on Sunday.
2. The size of the retail building will not exceed 150 feet by 70 feet.
3. 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.
4. 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.
5. 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. 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.
6. 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**.

Resolutions

It was moved by J. Strasser, seconded by L. Voronin and carried to adopt **Resolution No. 2015-02 – Galleria – Boundary Line Adjustment – Block 40, Lots 8 & 8.02**. All members present voted **AYE** on **ROLL CALL VOTE**, except C. Ely, who **ABSTAINED**.

Draft Ordinance Site Plan Waiver

R. Dodds stated at last month's meeting there was a discussion with regard to site plans and when an application for a site plan to the Planning Board would be required. He stated the key item is to provide the most recent copy of a site plan. If an applicant had no site plan approval, they would have to come in with a full site plan application. If there was an existing site plan, they may be eligible for an expedited process.

D. Pierce stated Subsection 4 under Section A(i) and Section A(ii) was added. He stated one other change was to include a minimum of \$3000.00 for preliminary and final site plan escrow. There have been a few instances where the initial deposit, which was based on the ratios that the ordinance contains, were very small and replenishment had to be requested frequently.

T. Decker stated the escrow is based on the property area for a site plan. If a site plan was on a site less than an acre and they were not proposing any improvements, their escrow would be \$50.00.

It was moved by J. Strasser, seconded by L. Riggio and carried to recommend introduction and adoption on first reading of the proposed ordinance to the Township Committee. All members present voted **AYE**.

Minutes

It was moved by L. Voronin seconded by L. Riggio and carried to adopt the minutes of July 9, 2015. All members present voted **AYE** on **ROLL CALL VOTE**, except C. Ely, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

New Jersey Planner

Lavery, Selvaggi, Abromitis & Cohen – Declaratory Judgment

D. Pierce stated an action was filed by the Township to seek to obtain the protection from a Builder's Remedy. The Township filed their plans with the Department of Community Affairs (DCA) seeking protection from a Builder's Remedy. The Township had certification under the 2nd round. The 3rd round rules were invalidated. No new rules have been adopted. The Courts have taken over the enforcement of affordable housing. It is going to be up to the Courts to determine if the Township is in substantial compliance or subject to a Builder's Remedy. It is a substitute process to filing with the DCA.

Delaware River Keeper Network

R. Dodds stated it is an ongoing process. If a representative of PennEast is on a posted property and you know the property owner, you may want to give the owner a call and inquire if they have permission. If they don't have permission, please feel free to call 911 and let them know someone is trespassing. If a representative is pulled off the road in the grass and parking, they are trespassing. If they are out of the vehicle and putting stakes in the ground, they are technically trespassing.

PRIVILEGE OF THE FLOOR

D. DeFrange, Route 12, stated he has a nursery on Route 12. He is in the process of developing a plan to be submitted to the Township. He is attending meetings to learn more about what the Township is looking for in development along Route 12.

R. Dodds stated D. DeFrange's property is located in the Scenic Corridor Overlay (SCO) zone. The Township has decided to apply to the Department of Agriculture for a grant to develop the Transfer of Development Rights (TDR) in the SCO zone. There is a significant amount of work required to develop a TDR.

Penn East

R. Dodds stated the Township does not own any lands other than the roads in the Township in the route of the proposed pipeline. The Township does not have any say in what happens between private landowners and Penn East. PennEast has told us they are doing a number of surveys in the Township. Some landowners are not aware they are on their property. PennEast was doing a bat survey without the permission of the landowners. A letter was sent telling them to cease and desist. PennEast cannot get out of their cars and survey into the woods. There would have to be an agreement between the landowner and PennEast. Less than 30% of the landowners have given permission for PennEast to survey their property. He stated there are quite a few of contract surveyors who have been hired to perform the surveys. If they submit those surveys to FERC it would be evidence that they were on the property improperly, if they did not have permission.

ADJOURNMENT

It was moved by C. Ely, seconded by J. Strasser and carried to adjourn the meeting at 7:56 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary