

**MINUTES**

**PRESENT:** J. Abel  
J. Burke  
R. DeCroce  
D. Haywood  
J. Lutz  
J. Mathieu  
S. Rawlyk  
T. Siano (8:01pm)  
J. Strasser (8:02pm)  
L. Herrighty, Alt #2  
D. Pierce, Attorney  
R. Lorentz, Engineer

**ABSENT:** J. Harabedian, Alt #1

**CALL TO ORDER**

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

**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

**Approval of Minutes**

It was moved by R. DeCroce, seconded by S. Rawlyk and carried to approve the minutes of August 9, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE** except for J. Abel, J. Burke, D. Haywood, J. Mathieu and L. Herrighty who abstained.

**Resolutions**

It was moved by T. Siano, seconded by S. Rawlyk and carried to adopt **Resolution No. 2005-23 – CDMA – Block 19, Lot 10 – Class III Minor Subdivision, Amendment**. All members present voted **AYE** on **ROLL CALL VOTE** except for J. Abel, J. Burke, D. Haywood, J. Mathieu, J. Strasser and L. Herrighty who abstained.

## Applications

Barbieri Builders – Block 28, Lot 9 – Extension of Time

D. Pierce stated the board had previously approved the application. The applicant has sent a request for an extension of time to file the deeds. The applicant had a number of issues to resolve with the DEP.

It was moved by D. Haywood, seconded by T. Siano and carried to approve a 180 day extension of time to file the deeds in the above captioned matter. All members present voted **AYE** on **ROLL CALL VOTE**.

Tozzi – Block 33, Lot 1 – Determination of Completeness

R. Grant, engineer, was present for the application this evening.

D. Pierce stated since the application was originally submitted under another name, the current professional should certify there are no wetlands in the areas of the percs and soils for the septic systems.

R. Lorentz indicated in the response to the prior submission, he had written a letter, which contained five items, which were missing from the plat. Among those items was the indication of the date of approval of the most recent submission. The plat still lacks that information. R. Lorentz stated D. Pierce raised, in July, that an updated certification of tax payments should be provided and also, an updated list of property owners. R. Lorentz has not seen any Stormwater management calculations. The Hunterdon County Planning Board denied the application in 2003 and he has seen no subsequent correspondence.

R. Grant responded the County denied approval based on Stormwater management.

J. Lutz commented a little clarification should be provided in regard to the road and proposed detention basin.

R. Grant responded the detention basin is on lot 1.12 entirely. The scale between sheet one and four is different.

J. Abel commented this area is known to the Environmental Commission as being a problematic area. Barcroft Road has had one septic system failure. The wells are sporadically good to terrible production up and down the street. There are wetlands present in the area.

It was moved by J. Strasser, seconded by J. Burke and carried to deem the application not complete. All members present voted **AYE** on **ROLL CALL VOTE**.

## LKR – Block 38, Lot 20 – Conceptual Plan

K. Coakley, J. Griffin, and R. Weiner, were present this evening to discuss the conceptual plan.

LKR owns 340 acres, 193 in Kingwood and the balance in Delaware Township. There is a potential for sixteen home sites in Kingwood and six in Delaware Township.

J. Griffin stated the applicant has based the design of the development on the percolation of the site. The areas of good percolation were used for the home sites. The applicant has not approached Delaware Township since the infrastructure of the roads would be located in Kingwood. The road would be located along the Township line. The lots located in Delaware Township would gain access by the road located in Kingwood Township. J. Griffin stated G. Harms is the current owner of the property. Some of the lots have some steeper slopes. When the property was purchased, the wetlands were delineated and the drawing shows the required buffers. The lots will be cleared for the home sites and the roads. The end result of the development would be 22 lots. The homes to be constructed will be on the larger end of the scale. It is their intention to have a fully conforming subdivision in both townships.

R. Lorentz indicated if the intention is to have the road be a public road, he sees some issues with the way it runs along the township line. There would need to be an agreement between the two municipalities as to the maintenance, acceptance and access to the lots. R. Lorentz suggested the applicant look at moving the road slightly to the south so that the township line runs along the center of the road and splits the jurisdiction. The entrance to the County road would have to be in Delaware.

D. Pierce indicated that a performance bond would be posted to make sure the road is constructed properly and a maintenance bond to make sure it is kept in good repair for a period of years.

Discussed between the Board members and the applicant's representatives was the confusion of the jurisdiction if the road remained in two townships and the response of first aid and fire departments.

J. Griffin indicated the applicant does not intend to restrict the remaining lands from further development. The lots in Kingwood would have an average of 12 acres.

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

R. Grant, engineer, G. Perrotti, applicant, were present for the application this evening.

R. Grant stated Mr. and Mrs. Perrotti are the owners of the entire Block 7, Lot 14.10 tract. They are seeking a minor subdivision, creating two lots, Lots 14.13 and 14.14. It is their intention to have a public road separating these two lots, which would access the

remaining lands. The driveways will temporarily be a common driveway. The remaining lands have satisfactory soil logs and percs.

G. Perrotti stated he intends to create a total of sixteen lots, two were approved last year, these two new ones and twelve lots in a major subdivision.

R. Grant indicated the wetlands have been delineated. All the wetlands are associated with the swale located on the property. There is an existing pond located on the remaining land, which is lying in the wetlands area. The applicant has applied to the DEP for the entire tract for a presence/absence letter.

R. Lorentz questioned the irregular shape of Lot 14.13.

R. Grant responded the lot could be altered to be more conforming to the road alignment. It is the applicant's intent to return with a major subdivision for the remaining lands.

G. Perrotti indicated he intends to keep the trees and realign the shade trees along the road.

R. Lorentz requested documentation of the various wetlands filings.

J. Lutz called for comments from the public.

S. McNichol – Oak Grove Road – concerned about the roadway's width.

R. Lorentz indicated in the prior development of this tract, two lots already have been subdivided which resulted in the dedication of additional road ROW on the Perrotti side of the road. In the future, some modification of the road alignment will allow for better alignment on the two sharper curves.

R. Grant stated the plans for the major subdivision plans are on the way. The first curve will be softened with a 300' radius, the second curve, with the bridge, does not get realigned but does get widened and the third curve will also get a 300' radius. The fourth curve is not the property of the applicant.

R. Lorentz indicated, looking at the detail for the common drive, it should be modified to indicate the lot lines continue to the center of the road. The road ROW is only an easement.

D. Pierce stated the future public road is where the driveways will be located. The easement will require each of those lot owners to dedicate their portion of the common driveway to the public road. Their driveways will come off the public road.

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**.

## Dish Café – Block 50, Lot 6 – Graphics Permit

F. Kodrowski, Creative Design Solutions, and G. Pulaski, Dish Café, were present for the matter this evening.

F. Kodrowski stated the applicant is interested in replacing the graphics that are currently on the sign. The applicant intends to reface the current sign, same shape with the same posts. Once the applicant becomes established, they would potentially be improving the sign. Masonry work on a sign could run \$6,000 to \$8,000.

J. Abel stated the sign should be brought up to the current standard.

D. Pierce read from the ordinance to indicate non-conforming street graphics shall be brought into conformance when the property changes hands or the use changes. The Board discussed with the applicant possibly changing or topping off the posts and squaring off the sign.

J. Lutz inquired for comments from the public.

S. Zdepski suggested the sign could look like the one erected by the Hunterdon Land Trust. He also inquired if the Hunterdon Land Trust came before the board for their sign.

F. Kodrowski stated he would get something down to the township as soon as he can.

## Escrow Agreement

D. Pierce stated, based on the discussions in the recent past, he has prepared a draft escrow agreement for use with development applications. The Township attorney has reviewed it and found it to be acceptable. The Board, if it were in agreement, would have to have a motion adopting the escrow agreement. The Township is in the process of adopting an ordinance requiring the escrow agreement. The escrow agreement also grants permission to the board and its professionals to inspect the property.

It was moved by J. Mathieu, seconded by D. Haywood and carried to adopt the escrow agreement for use in its applications. All members present voted **AYE** on **ROLL CALL VOTE**.

## Proposed Ordinance No. 13-10-2005

D. Pierce stated proposed Ordinance No. 13-10-2005 establishes and requires the applicant and property owner to enter into an escrow agreement.

It was moved by J. Strasser, seconded by D. Haywood and carried to recommend the adoption of proposed Ordinance No. 13-10-2005 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance No. 13-11-2005

D. Pierce stated proposed Ordinance No. 13-11-2005 amends the subdivision checklist to delete the requirement for a Minor Subdivision to comply with the requirements of the Well Ordinance.

It was moved by D. Haywood, seconded by J. Strasser and carried to recommend the adoption of proposed Ordinance No. 13-11-2005 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

Privilege of the Floor

A. Hauck, member of the Environmental Commission, stated he wants to provide some comments about the Environmental Resource Inventory (ERI). The ERI is a planning tool, which was developed by the Environmental Commission. It is a planning tool that is intended to serve as a guide when reviewing developing projects. A. Hauck presented several tables representing Hydrologic Soil Groups, Wetlands and Hydric Soils, Steep Slopes, Depth of High Water, Soils – Depth to Bedrock and Land Cover Classification on the Block 12, Lot 31 major subdivision.

D. Pierce suggested the Environmental Commission provide a letter to the Board enclosing the documentation and offer to have Ms. Kratzer testify at the hearing, marking her information as an Exhibit for the hearing.

J. MacConnell – Spring Hill Road – offered comments on the availability of water in the area of the development of Block 12, Lot 31. He suggested a limit be placed on which road the construction traffic will utilize. He would like to see the steep slope conservation zone reinstated. He would like to see the Class III minor subdivision eliminated. The members of the public here this evening would like the Board to speak on their behalf.

J. Lutz suggested the members of the public present this evening come to the preliminary review and offer their comments. He indicated the Planning Board is in the process of reviewing the master plan's recommendations. In regard to the Class III minor subdivisions, the matter will have to be reviewed and J. MacConnell will have to provide the disadvantages of that type of development to the Board.

R. DeCroce stated the township could restrict the trucks to Horseshoe Bend Road.

It was suggested J. MacConnell write a letter to the board requesting the restriction for the trucks and a 35 mph speed limit.

J. MacConnell commented the well ordinance should pertain to every well dug in the township with a 2500' interference test requirement. He expressed his concern if the development, with the conceptual review this evening, will lumber out their 100 acres.

He expressed his concern of having 70 houses being built in the township and if the township is considering eminent domain to construct another road.

J. Lutz responded that there are certain legal rights an applicant has that the township cannot always superseded. The Township can only do their best but only can go so far.

Executive Session – Resolution No. 2005 - 26

**RESOLUTION NO. 2005 - 26**

**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 and 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:

**Contractual**

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 D. Haywood, seconded by J. Strasser and carried to adopt the above Resolution. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Burke, seconded by D. Haywood and carried to enter into Regular Session. All members present voted **AYE** on **ROLL CALL VOTE** except for J. Strasser who abstained.

Hydrologist

It was moved by D. Haywood, seconded by T. Siano and carried to hire Dr. P. Aultoff as the hydrologist for the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

Special Meeting

September 27, 2005 was scheduled for a special work session for the Planning Board. If the necessary documentation does not arrive by September 16, 2005, from D. Banish, the meeting will not be advertised.

**ADJOURNMENT**

It was moved by T. Siano, seconded by R. DeCrocce and carried to adjourn the meeting at 10:35 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenbach, Secretary