

**MINUTES**

PRESENT: J. Abel (7:48 PM)  
J. Burke  
R. DeCroce  
D. Haywood (8:00 PM)  
J. Lutz  
J. Mathieu  
S. Rawlyk (7:49 PM)  
T. Siano  
J. Strasser (7:18 PM)  
J. Harabedian (7:49 PM)  
L. Herrighty (7:52 PM)  
R. Lorentz, Engineer (7:51 PM)  
D. Pierce, Attorney  
D. Banisch (7:20 PM)

**CALL TO ORDER**

The meeting was called to order at 7:08 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 been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

Approval of Minutes

It was moved by J. Mathieu, seconded by J. Burke and carried to approve the minutes of October 11, 2005 and placed on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

It was moved by J. Mathieu, seconded by T. Siano and carried to approve the minutes of the Special Meeting of October 25, 2005. All members present voted **AYE** on **ROLL CALL VOTE**.

Applications

Moses – Block 33, Lot 6.01 – Extension to File

D. Pierce stated Ms. Moses has submitted a letter to the board indicating she is in receipt of her LOI from the State of New Jersey.

It was moved by J. Mathieu, seconded by T. Siano and carried to extend the time to file the deeds in the above referenced application an additional 190 days. All members present voted **AYE** on **ROLL CALL VOTE**.

Lindabury, McCormick and Estabrook – COAH, Suggested Ordinance Revisions

D. Pierce suggested the ordinance should be amended to include site plans and variance applications as well as being required on residential development. D. Pierce has communicated his suggestions to the Township attorney and the Township Committee has introduced an ordinance which amends the checklist for subdivisions and site plans to include, the submission of an Affordable Housing Plan, submission of an Escrow Agreement and the well testing requirements. The growth share of our COAH obligations are based on the number of jobs created in the township. There is no distinction between agricultural jobs and other jobs. It is a fair contribution that has to be incorporated into the ordinance. D. Pierce stated there is exclusion in the COAH rules regarding the buildings of agricultural and green houses. An office in a barn generates a housing obligation.

It was moved by T. Siano, seconded by R. DeCroce and carried to recommend the adoption of Ordinance No. 13-14-05 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

Affordable Housing Plan

D. Banisch stated he has brought a draft of the Housing Element and Fair Share Plan for the third cycle of affordable housing. The plan has been drafted in consultation with the Township Committee and the Housing Committee. The deadline for the submission is December 20, 2005. The Board should schedule a public hearing at the regular meeting on December 13<sup>th</sup> or at the Township Committee meeting on December 6<sup>th</sup>. There should be a brief public hearing on the matter. The Planning Board would adopt the plan and the Township Committee would adopt a resolution petitioning COAH for third round certification. The plan addresses the obligation through the creation of municipal rental housing on municipally owned property. The municipal housing can account for 15 rental units and the Township can create an additional 15 units on land they currently own. The total amount of units of affordable housing is 33. It leaves the requirement of constructing three units. The Township will be collecting fees in lieu of construction as well as development fees. The Township should keep in place the ordinance permitting accessory apartments. The Township should go and secure an existing accessory apartment in the Township to count towards their required units. Qualified units are subject to income control and limited to certain occupancy to low income households. Rental to a low income resident will provide a two for one credit. The units would be subject to a thirty year restriction. The income will escalate annually. COAH adjusts the determination of a low/moderate income annually. 80% of median income is moderate and 30% of median income is very low.

Workshop Meeting – October 25, 2005 – Draft Recommendations

D. Banisch provided revisions to the current ordinance with the recommendations discussed at the workshop meeting on October 25<sup>th</sup>. The revisions to the proposed ordinance the Board made at the meeting were:

- A. Include clustering as an option with the lot size averaging requirement;
- B. Add resource conservation areas as purpose statement: protect groundwater recharge areas to maintain sustainable groundwater reserves;
- C. Cluster/Lot Averaging portion of ordinance amendment; move it to a section of the ordinance where variances are not required for deviations, rather the standards should be placed in the design guidelines section of the ordinance;
- D. Add a provision stating that “where it can be demonstrated that acceptable groundwater yield is not compromised, lot sizes in a cluster/lot averaging may be reduced in area to as small as two acres;
- E. Require the preservation of prime soil, statewide and locally significant soils as a requirement of subdivision design;
- F. Lot circle and minimum property line dimension for the lots that may be reduced to as small as two acres;
- G. Establish minimum length of rear lot line with the purpose of avoiding the creation of narrow, pointed or triangular rear yard configurations;
- H. Repeal the provisions allowing Class III minor subdivision;
- I. Revise ordinance provision allowing the two lot minor subdivision provision along existing roads; it was determined that the minor subdivision should be kept at 2-acre minimum lot size; the number of which would be permitted on a sliding scale, based upon lot size; allowing one subdivision once every four years.

D. Banisch gave an overview of the above changes to the Board members.

D. Piece stated the document before the Board this evening hasn't been adopted. The process is deliberation and consideration by the Planning Board as to reviewing changes recommended by the Re-examination report. At the last meeting, the issue of keeping four acres or going to seven acres was discussed. The majority of the Board, polled at that meeting, was in favor of moving to seven acres and that was the direction given to Mr. Banisch. Whatever the Board decides, will be given to the Township Committee as a recommendation. The Township Committee will have the discretion to agree or disagree with the recommendations. The Township Committee is the authority who will adopt the ordinance.

After some discussion the following motion was introduced and adopted.

It was moved by J. Abel, seconded by J. Mathieu and carried to have P. Althoff and D. Banisch perform studies in their specific expertise as to water availability and economic factors. All members present voted **AYE** on **ROLL CALL VOTE**.

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

Smith – Block 37, Lot 9 – Minor Subdivision

Ken Baill, engineer, was present for the applicant. P. Smith, applicant, was also present.

K. Baill stated the application is for a minor subdivision. The property is located on Federal Twist Road. The property is located in the AR-2 district. The applicant is proposing to create on 2.15 acre lot fronting on Federal Twist Road and a flag lot. It is a Class II minor subdivision. There is an existing two story frame dwelling. An existing barn is located on the rear of the proposed lot. The applicant would like to keep the small shed located in the ROW of Federal Twist Road. The wetlands delineation has been submitted to the DEP and an LOI has been granted by the State. Soil testing was done by D. Fine. The proposed dwelling is at the back of the flag lot property.

R. Lorentz stated it is possible the whole ability to develop this lot is contingent on the granting of GP-10 permit from the DEP. A condition to that affect should be incorporated into the resolution and the release of the deeds.

K. Baill stated the GP-10 permit would only be required if they applicant places the driveway as indicated on the plat. The applicant can grant an easement by the lot to avoid all the wetlands if the DEP denies the permit application.

R. Lorentz stated the applicant would have to come back to the Board for approval for the use of an easement rather than the flag staff for the rear lot.

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

*J. Mathieu resumed his position on the board at this time*

#### PRIVILEGE OF THE FLOOR

R. Oakes – Horseshoe Bend Road - commented on the change of the board's opinion in requiring larger lots. He stated other townships are moving towards larger lots for many different reasons.

J. MacConnell – Spring Hill Road - commented on the benefits of larger lots.

M. Blecher – Horseshoebend Road – commented on his confusion with regard to the board's comments this evening in regard to larger lots.

J. Lutz responded there has been much discussion on lot sizes. The Board, this evening, charged D. Banisch with the responsibility of doing survey of economic effects of larger lots. After the survey has been completed, the Board will be ready to make a decision and send it to the Township Committee.

J. Abel stated some of the comments made this evening seem to be addressing some disappointment that the Board is looking for a scientific basis for increasing lot size. If the Township does not have a scientific basis, it might be subject to legal conflict. The changes need to be on a solid foundation. Ground water is important but there are many other issues to review. He doesn't think the focus or direction of the board has changed.

W. Pandey – Spring Hill Road – commented on the types of soil represented in the Township.

D. Pierce stated a development can be presented to the Board with the allowable number of lots designed based on a conventional subdivision. The Board might decide the development would be

better for the Township is the allowable lots are clustered on two acre lots and the remaining lands remain open. The same density would be attained but the Board would be recognizing the site specific conditions. After it has been determined how many lots would be allowed on a conventional lay out, the site specifics and all the different environmental constraints could be taken into account by saying it might be more appropriate to develop this section of the lot and protect the other part of the lot.

E. Hill – Kingwood Locktown Road – has been contacted by the DEP in regard to a notice of complaint indicating his house was built in a wetlands area.

D. Pierce responded in every approval before this board there is language indicating that the approval did not constitute any other approval. Jurisdiction of wetlands is entirely within DEP purview. The Board does not have the authority to enforce wetlands restrictions. It is incumbent on the purchasers and developers of property to make sure all the approvals are in place prior to beginning construction.

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, 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:

#### **Contractural**

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 foregoing Resolution. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by J. Burke and carried to return to regular session. All members present voted **AYE**.

#### Hydrologist Contract

It was moved by T. Siano, seconded by D. Haywood and carried to accept the contract for P. Althoff for hydrologist and grant authorization to perform the hydrological study. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Pierce will add, as an addendum to the contract, a letter identifying the particular hydrological study project.

D. Pierce reviewed, for the public returning after the Executive Session, that the Board intends to forward to the geologist a contract for her general services for applications, for consultation with the board and to seek from her a lump sum or not to exceed proposal for the undertaking of the hydrogeological study for zoning.

D. Pierce was instructed to contact P. Althoff requesting a time frame of completing the study and for her to provide a lump sum or not to exceed proposal by the December 13<sup>th</sup> meeting.

#### **CORRESPONDENCE**

#### **PRIVILEGE OF THE FLOOR**

#### **OTHER MATTERS**

#### **ADJOURNMENT**

It was moved by T. Siano, seconded by D. Haywood and carried to adjourn the meeting at 9:38 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**