

MINUTES

PRESENT: J. Abel
J. Burke
R. DeCroce
D. Haywood
J. Lutz
J. Mathieu
S. Rawlyk
T. Siano
J. Strasser
J. Harabedian, Alt. #1
D. Pierce, Attorney

ABSENT: L. Herrighty, Alt. #2

CALL TO ORDER

The meeting was called to order by Chairperson Lutz at 7:35 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

Master Plan Housing Element and Fair Share Plans – Public Hearing

E. Halpern, Special Counsel for COAH, stated the Planning Board and the Township Committee will be having a joint meeting this evening for the introduction and adoption of the Master Plan Housing Element and Fair Share Plans. E. Halpern stated the township enjoys protection for a builders' remedy as a result of substantive certification of COAH. The Township applied for the certification in May of 2003 and was awarded it in October of 2004. The certification provided protection from a builders remedy through December 20, 2005. The Township has an obligation for its 3rd cycle of substantive certification for 33 units. The period covered by the new plan is from 2004 through 2014. There is still remaining a 10 unit obligation from the 2nd cycle. Under the plan submitted two years ago, 10 units were to be met through accessory apartments. They will continue to be met under the accessory apartment ordinance. For every affordable housing unit afforded to very low households, 30% of median income, the Township would receive two credits. For every affordable housing unit afforded to moderate households, 55% of median income, the Township would also receive two credits. The Township can utilize eight rental units, affordable to moderate households, which also would receive a

two for one credit. Three units remain to be satisfied. The Township adopted a Growth Share Ordinance which indicates to COAH that the Township will have the financial ability to create the three remaining units. The Growth Share Ordinance can also fund the 15 units of housing the Township is creating. The Township has created the 15 units by taking title to the Ukarish Farm and the Melnyk Farm. With the Melnyk Farm, the Township would have to subdivide a small number of acres that are restricted and construct affordable housing. The barn will be demolished and replaced with a new building which will contain six units of affordable housing to low income households. The existing carriage house will be afforded to two low income households. The Township would be creating eight eligible COAH units. The Ukarish Farm has a garage that will be demolished and two units created. The existing farmhouse will have two units of moderate income units and the existing garage will produce two more units of moderate income households, making for a total of four units. The low income housing will come with the construction of the units on the Ukarish Farm. You will be meeting three of the seven moderate income households on the Ukarish Farm and two on the Melnyk Farm within the farmhouse. The total created would be eight very low income and seven moderate income units, producing 15 units, with a two for one credit, making 30 units. The Planning Board needs to adopt a resolution for the Fair Share and Housing Plan. The Township Committee would then adopt a resolution endorsing the plan and petitioning COAH for substantive certification.

It was moved by J. Strasser, seconded by D. Haywood and carried to open the meeting to the public. All members present voted **AYE** on **ROLL CALL VOTE**.

B. Pandy – asked for clarification of the term “builders remedy”.

E. Halpern responded if the Township does not meet its affordable housing obligation, a developer may come into the township, file suit because the township has not met its obligation and develop his own type of development.

It was moved by D. Haywood, seconded by J. Strasser and carried to close the public hearing. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolution No. 2005-29 – Adopting an Amended Housing Element and Fair Share Plan

It was moved by D. Haywood, seconded by T. Siano and carried to adopt the Amended Housing Element and Fair Share Plan of the Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**.

Approval of the Minutes

It was moved by J. Mathieu, seconded by T. Siano and carried to approve the minutes of November 8, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by T. Siano and carried to approve the Executive Session minutes of November 8, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Strasser, seconded by D. Haywood and carried to release the Executive Session minutes of November 8, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolutions

It was moved by D. Haywood, seconded by J. Strasser and carried to adopt **Resolution No. 2005-27 - Smith – Block 37, Lot 9 – Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by T. Siano, seconded by J. Strasser and carried to adopt **Resolution No. 2005 –28 - Moses – Block 33, Lot 6.01 – Extension**. All members present voted **AYE** on **ROLL CALL VOTE**.

Applications

Mitchell – Block 19, Lot 14.02

R. Tice was present this evening to request an amendment to the original approval to allow the remaining lands to not contribute towards the maintenance of the common driveway. The remaining lands access the property directly from Union Road and do not utilize the common driveway.

D. Pierce stated the applicant would be required to file an application to amend the subdivision approval, providing a public hearing, with notice to the owners of the five lots, as well as the owners within 200'. The applicant can request an extension of time for 90 days to file the deeds.

It was moved by D. Haywood, seconded by R. DeCroce and carried to grant an extension of 90 days to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Re-Organization Meeting

It was moved by J. Strasser, seconded by J. Mathieu and carried to schedule the Re-Organization meeting for January 10, 2006, beginning at 8:00 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Appointment of Attorney for 2006

It was moved by J. Mathieu, seconded by J. Strasser and carried to appointment Lindabury, McCormick and Estabrook, with D. Pierce representing, as attorney for 2006 for the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

Website Posting

It was moved by D. Haywood, seconded by J. Mathieu and carried to approve the posting of the agenda and approved minutes of the Planning Board on the website. All members present voted **AYE**.

Planning Board Procedures

J. Lutz commented the Board should pay particular attention to eliminate any over talk.

2006 Budget Request

After some discussion, it was moved by J. Abel, seconded by J. Mathieu and carried to request \$35,000.00 for the Planning Board Other Expense budget for 2006. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who voted **NAY**.

CORRESPONDENCE

J. Lutz reviewed as per the agenda

Hunterdon County Planning Bd. – Revised Proposed DEP Amendments to Water Quality Mgmt Plan; D. Pierce stated these amendments seem to be another tool being used against sprawl. It is proposed the Water Quality Management Plan would require a treatment works approval for any discharge or septic system in the aggregate for more than 5 lots, not on a project basis, but on an aggregate basis.

Block 19, Lot 8 – Township of Kingwood

It was moved by J. Burke, seconded by J. Mathieu and carried to partition off approximately four acres, plus the necessary flag stem, from Block 19, Lot 8 to enable the Township to utilize the residence for a COAH unit in the future and amend the ROSI to delete the four acres and flag stem. All members present voted **AYE** on **ROLL CALL VOTE**.

Farm Markets

J. Mathieu stated he had attended the Board of Adjustment meeting last month and an application before the Board was for a farm market seeking a variance to allow a liquor license to be situated at the farm market. He stated when the Planning Board adopted the farm market ordinance, it was designed for active farmers to sell produce and other farm related products at the end of driveways and assist them in keeping their land. By putting a liquor license in a residential area in a farm market, it makes a mockery of the intentions of the board creating the farm market ordinance and putting it in an agricultural district. The ordinance does not mention the sale of alcoholic beverages to be farm related. It opens up the possibility of another approved farm market selling cars, clothing or something else. The Board should consider either abolishing the farm market concept or seriously take a look at what the community wants as an accessory use for agricultural products and whether or not the board should look at enforcing the 51% of the sales coming from the farm itself.

J. Lutz stated the Board appreciated his opinion but the matter was in the hands of the Board of Adjustment.

Hydrologist Contract

D. Piece forwarded a contract with the standard requirement of proof of liability insurance of \$250,000 to Ms. Althoff. She responded that she does not have any employees and the only insurance she has is on her vehicle. D. Pierce is seeking the authorization from the board to amend the contract to simply refer to the automobile insurance.

The Board requested D. Pierce to obtain professional insurance information from Ms. Althoff.

PRIVILEGE OF THE FLOOR

M. Blecher – commented on the discussion this evening regarding the 2006 budget and the funding for the water study. He suggested, due to the high cost quoted by Ms. Althoff, the township might avail itself to other proposals from other hydrologists. Since a large number of people are interested in what the board plans to do, he would like a completion time frame for the Master Plan Recommendations.

D. Pierce commented the Board could only make a recommendation to the Township Committee on an amount for the 2006 Planning Board Other Expense line item. It is up to the Committee to make the final allocation. The Board recognizes the need to review this issue and has every intention of moving forward. It is an assumption that the outcome of the study and the board's review will be an increase in lot sizes of the Township. The Board can seek alternative proposals. It will take additional time. In their original search, the Board reached out to four professionals, two were unable to participate and the board did interview the other two and made its decision to hire Ms. Althoff. On the time frame, once the funding is in place, Ms. Althoff would be able to complete the study in two months.

T. Hauck requested money be put in escrow for the hydrologist out of the \$100.00 well permit fee. The Planning Board has to be on top of the water use. Clinton Township has an aquifer protection ordinance.

A. Russano commented on the farmer's market on Route 519 discussed earlier in the meeting. He was concerned about the traffic and people drinking and driving.

J. Lutz commented the matter was addressed by the Board of Adjustment and the Planning Board has no jurisdiction in the matter.

It was also suggested that A. Russano attend the Township Committee meeting when the hearing for the license is scheduled.

Master Plan Recommendations

After a lengthy discussion, it was decided the scheduling of a special meeting to discuss the recommendations would be placed on the January 10, 2006 agenda.

OTHER MATTERS

ADJOURNMENT

It was moved by J. Abel, seconded by T. Siano and carried to adjourn the meeting at 9:48 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenbach, Secretary