

**MINUTES**

**PRESENT:** J. Abel  
M. Augustine  
D. Haywood  
J. Lutz  
J. Mathieu  
T. Siano  
J. Strasser  
S. Zdepski  
J. Harabedian, Alt. #1  
L. Herrighty, Alt. #2  
R. Lorentz, Engineer  
D. Pierce, Attorney

**ABSENT:** R. DeCroce

**CALL TO ORDER**

The meeting was called to order by D. Laudenbach 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**

Nomination of Chairperson

J. Lutz was nominated by S. Zdepski, seconded by J. Strasser as Chairperson for 2006.

It was moved by S. Zdepski, seconded by J. Strasser and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE** except for J. Lutz who abstained.

Nomination of Vice Chairperson

D. Haywood was nominated by J. Mathieu, seconded by T. Siano as Vice-Chairperson for 2006.

It was moved by J. Strasser, seconded by J. Mathieu and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE** except for D. Haywood who abstained.

Nomination of Secretary

J. Strasser was nominated by J. Lutz, seconded by D. Haywood as Acting Secretary for 2006.

It was moved by D. Haywood, seconded by J. Lutz and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE**, except for J. Strasser who abstained.

Approval of Meeting Dates

February 14, 2006

March 14, 2006

April 11, 2006

May 9, 2006

June 13, 2006

July 11, 2006

August 8, 2006

September 12, 2006

October 10, 2006

November 14, 2006

December 12, 2006

It was moved by D. Haywood, seconded by J. Strasser and carried to approve the above meeting dates for 2006. All members present voted **AYE** on **ROLL CALL VOTE**.

Designation of Newspaper

It was moved by J. Abel, seconded by D. Haywood and carried to designate the Delaware Valley News as the official paper of the Kingwood Township Planning Board with the Easton Express as an alternate. All members present voted **AYE** on **ROLL CALL VOTE**.

**NEW AND PENDING MATTERS**

Approval of Minutes

It was moved by J. Mathieu, seconded by D. Haywood and carried to approve the minutes of December 13, 2005 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except for M. Augustine who abstained.

Schedule Workshop Meeting

It was moved by J. Abel, seconded by D. Haywood and carried to schedule a special workshop meeting to work on the Master Plan Recommendations for January 31, 2006 beginning at 8:00 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Resolutions

It was moved by J. Abel, seconded by J. Mathieu and carried to adopt **Resolution 2006-01 – Mitchell - Block 19, Lot 14.02 – Extension to File Deeds**. All members present voted **AYE** on **ROLL CALL VOTE**, except for M. Augustine who abstained.

Applications

**Zgurzynski – Block 28, Lot 12 – Boundary Line Adjustment**

J. Zgurzynski and P. Hinrichsen were present for the application this evening. J. Zgurzynski stated he had purchased the lot together with P. Hinrichsen with the intention to subdivide the lot in half and attach the subdivided parcels to their current lots.

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

**Viscardi – Block 1.02, Lot 14.02**

G. DeSapio, attorney, was present for the application, as well as the owners A. Viscardi and B. Viscardi. G. DeSapio stated when a previous survey of Lot 14 was prepared, the septic field on Lot 14.02 was mislocated on the survey. The septic system for Lot 14.02 is currently located on Lot 14. The parties have agreed to swap a little triangular piece in the rear. The applicants are requesting a boundary line adjustment in addition to a typical minor subdivision, which conforms in all respects.

W. Bohren, engineer, stated he had originally laid out the subdivision with rectangular shaped lots. After conferring with R. Lorentz in regard to the confirmation of the access strips, the result is the strange configuration of the lots presented on the current plat. The two access strips had to be all the way to the rear of the first lot. There is only enough acreage to allow for a four-acre net lot area.

D. Pierce stated, as it is presented this evening, the application is a fully conforming subdivision and entitled to approval by the board. If the applicants configure the lots in a rectangular shape, the subdivision would require a variance and public hearing.

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

**Tumble Partnership – Block 32, Lot 10 - Determination of Completeness**

J. Lutz called the matter. No response was heard.

**Laurelton Belmont – Block 22, Lot 17 - Determination of Completeness**

D. Nenna and B. Casuscelli were present for the matter this evening.

D. Nenna stated the applicants are present this evening as a completeness requirement. The only issue remaining is access road "B". The applicants are negotiating with the DEP for access to Lot 16. The DEP is requiring the applicant to attempt to gain alternate access to Lot 16 prior to the granting any permits for Lot 16. If the applicants obtain alternate access, the DEP will not issue any permits for Lot 16 to utilize access road "B".

R. Lorentz stated the original resolution granting preliminary approval for Lot 17 enumerated a number of conditions, which relate to the interaction between the properties. The original subdivision was drawn such that what is designated as road "B" was to be temporarily conveyed as a

flag staff to Lot 16 and merged with Lot 16 giving Lot 16 actual road frontage on the new road to be constructed for this subdivision. On DEP review, DEP did not grant access permission to cross the stream. The final plat should show that roadway as an access easement to Lot 16 replacing the existing access easement that encompasses the driveway leading to Lot 16 presently. This would be a paper access. The existing access easement would be maintained across one of the lots within this subdivision as per the submitted plat. There are a number of conditions of preliminary approval, which have not yet been satisfied. The first condition states there was to be a correction in the area breakdowns to reflect the acreage of Lot 17 remaining lands to be 8.92 acres and not 10.95 acres. It has not been done on the preliminary plat. The final plat has reversed the lot designations so that what was Lot 17 is now 17.05 and vice versa. Lot 17.05 has become Lot 17 potentially creating a problem with trying to tract the history of the property. Lot 17.06 has disappeared. The common detention basin for the entire development is on Lot 17.05 replacing the one which was near Lot 17.03. The relocation occurred because of the small run of water that crosses Lots 17.01 and 17.02 and has been deemed by the DEP as a Category 1 water requiring a 300' buffer. The DEP has approved a 150' buffer. The proposal before the Board this evening provides for a 40' wide access easement to Lot 16 across Lot 17.05, with the same alignment as the road shared.

D. Nenna stated the lot numbers on the plat agree with the septic designs presented to the County Health Department for approval.

R. Lorentz stated there are two drainage areas involved. The smaller one empties into the roadside ditch along Barbertown Point Breeze Road crossing an adjoining property and on to the north and ties into the Muddy Run. The other one runs to the west to Hammer Road and at the intersection of Hammer Road, there is a county culvert under Hammer Road. The County is requiring some limited improvements to the culvert. The permitting process is virtually impossible.

D. Nenna stated the County is understanding of the environmental constraints and are agreeable to having a performance guarantee posted.

R. Lorentz stated the culvert couldn't be increased. Due to the detention and recharge incorporated into this development, there would not be too great of an impact. The County's main concern is that the width matches the needs of the Township's roadway. It appears that a project could be undertaken that would provide adequate width and turning improvements in the intersection and to protect it with a guardrail.

R. Lorentz stated the final plat does not agree with the preliminary plat in regard to the lot numbers. The lot configurations are the same other than the road situation. The County Planning Board has disapproved the final application on the basis that there is not a fully approved preliminary subdivision. R. Lorentz states the application can be considered conditionally complete for a hearing. He will prepare a list of unfinished conditions this week. R. Lorentz was concerned about the lot numbering. He will be contacting the Tax Assessor in regard to determining whether Lot 17.06 should be left off or the lots renumbered.

It was moved by J. Abel, seconded by J. Strasser and carried to determine the above application complete.

D. Pierce stated there is no requirement of notice of hearing on final approval. It might be appropriate to require a hearing and notice for the final subdivision hearing.

**Van Holten – Block 28, Lot 11 – Determination of Completeness**

P. Wolfson, attorney for the applicant, was present this evening to seek a determination of completeness and a hearing date.

After a lengthy discussion, P. Wolfson stated he would be presenting a revised plan due to the configuration of the development.

It was moved by J. Abel, seconded by T. Siano and carried to determine the application incomplete. All members present voted **AYE** on **ROLL CALL VOTE**.

**Laura Properties – Block 8, Lot 25.01 – Minor Subdivision**

G. DeSapio was present for the application this evening. The property is located on Lower Oak Grove Road.

R. Lorentz inquired if the proposed configuration meets the requirements of a Class II, which allows the contiguous flagstaff to be reduced to 25'. The two proposed lots are not contiguous.

W. Bohren, engineer stated the two 25' strips proposed are not side-by-side as your ordinance calls for but the applicant has an overall plan to divide the rear parcel in half. The intent is to have one single driveway through the middle. Looking back at the ordinance, it refers to larger farm parcels created into flag lots with combining driveways rather than having multiple driveways on the main road. The current configuration is to have a single driveway that would service four lots. The applicant intends to create two more lots in the rear of the property. The original ordinance refers to this being a means of a larger farm parcel. It talks about creating an easement for the first lot and for the other lot. The applicant was proposing flag stems for the entire development. The applicant does not want to install the type of road required in a Class III.

D. Pierce stated a Class III would be a better option in this event. The application does not satisfy the definition of a Class II subdivision. A Class II could create two lots but this application is creating three lots.

J. Abel stated the Environmental Commission had some comments in regard to the application. The application indicates that wetlands are shown on at least one of the lots but they are scaled from the maps. In light of the number of soil log attempts and the fact that the township does not allow the scale map to be a determining factor, the wetlands should be delineated in the field.

W. Bohren stated he has done a field study and has found none, except for the strip on the side. He has looked at the entire property and found none but which are on the map.

The matter was continued later in the meeting.

**Equestrian Village South – Block 14, Lot 28 – Conceptual Plan**

F. Palopoli was present this evening to present to the Board a conceptual plan for Block 14, Lot 28.

The development will have a single access off Horseshoe Bend Road. They will utilize the large barn for storage and horse corrals. The development is in conformance with the existing ordinance. The lot size averaging for this development is 7 acres. The developer would like to create a trail system on the property for their residents. They believe what is being proposed meets a demand that is important to the residents. The development will contain a number of high-end homes, which will establish a positive impact in the community. The developer thought it was important that the Board and the public understand the development. They intend to have the application before the Township within thirty days. There would be a three to four year build out. They intend to offer the opportunity for the residents to quarter the horses at the large barn. Some of the larger lots might accommodate their own quartering. There would be a separate equestrian community organization for those who have horses. They are investigating trails with people who are familiar with that around the perimeter of the site. Some of the lots will have easements. The need for eight COAH units would be generated by this development and the developers would be making contributions rather than providing the units themselves. The value of the homes would be in excess of \$1,000,000, with some being considerably higher and some less, due to the smaller lots. Most of the construction traffic would be coming from the north. It would not be much different than the current vehicles utilizing the road. The development would be a minor use of the road. The traffic configuration is very modest. Their main concern was water. The site has a lot of water and would be able to sustain a water company, if necessary. The area is a large site, which will remain, and will capture a significant amount of water to recharge the common aquifer in the area. There was a concern the development might have an impact on other wells. The site is less intense relative to other water usage in the township. They are not doing anything different than any other resident who has subdivided in the township. They are anxious to proceed. He stated the perimeter of the trails might be accessible to outside horses but he was unsure if the quartering of horses would be permitted for outside horses. The place would be for leisure activities and exercising their horses. There is an interest to have this property participate in a potential trail system.

The Board requested from the developer to provide a drawing or plat with both of the proposed developments on one sheet. The developer will provide the drawing.

#### **Laura Properties – Block 8, Lot 25.01**

G. DeSapio requested a two-month continuance to revise the maps.

It was moved by J. Mathieu, seconded by D. Haywood and carried to deem the application incomplete and allowing the applicant to return in two months. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Tumble Partnership – Block 32, Lot 10 - Determination of Completeness**

The matter was called again.

D. Pierce stated the Board could proceed with a determination of completeness. The applicant is not seeking any waivers.

R. Lorentz stated Lot 11.05 was the subject of a prior subdivision. The subdivision was never perfected. The applicant has not provided any soil testing data for Lot 11.05.

It was moved by J. Abel, seconded by J. Mathieu and carried to determine the application incomplete due to the lack of septic data and incorrect lot size averaging. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Amendment to Checklist**

D. Pierce stated the checklist does not specify a number of copies of the Hydro-geological Report. The Board of Health has requested copies of the report. Copies have to be provided for R. Lorentz and D. Pierce. Twelve copies should be sufficient.

It was moved by D. Haywood, seconded by T. Siano and carried to recommend the checklist be amended to request 12 copies of the Hydrogeological Report. All members present voted **AYE** on **ROLL CALL VOTE**.

### **CORRESPONDENCE**

J. Lutz reviewed as per the agenda.

### **PRIVILEGE OF THE FLOOR**

J. MacConnell – Spring Hill Road – is requesting the well ordinance require a well to be dug prior to any construction. It would eliminate the problem or no water or a small amount of water. He requested a Limited Liability Corporation be held liable for everything. All the partners would be able to be tracked down and sued. There needs to be a method in place to have remediation of a failed septic system or contamination. In regard to applications, he would like to request the township to require a power point presentation for applications. J. MacConnell stated, F. Palopoli commented he would install a water company if necessary. Would the township allow the water tower and in what configuration?

A. Hauck reviewed what testing is required for developments. The development proposed by Tumble Idell does not require any type of water testing. He will be writing a newsletter each month. M. Zdepski is the hydrologist for Deer Run. The applicant drilled three wells. The first well received 75 gpm. In the original testing, the driller pulled the pump too soon. The applicant then pumped 25 gpm for 8 hours. J. MacConnell monitored his well for that period and found not outside interference. Ms. Althoff went to M. Zdepski and stated they would have to test all three wells at 25 gpm for 8 hours. He has obtained the well ordinance from Franklin Township. Their ordinance allows for the waiver of certain requirements. Our township has very complicated geology.

J. Abel commented he is aware of a re-drill on a site. He is not aware of an empty shell sitting around due to a lack of water.

M. Blecher – Horseshoe Bend Road – commented on the Board's assistance to the Van Holten development. The township cannot support the infrastructure of the new developments. The 2-acre lot was provided to keep farmers on their lands not to have a developer increase the density on the land.

W. Pandy – commented on the downplaying of the developer for Deer Run in comparing construction traffic with horse trailers and tractors. He also commented on the presence of horses in developments and the manure.

S. McNichol – commented on the removal of the provision of Class III subdivisions and allowing a developer two 2-acre parcels but limiting them to once every four years. She suggested the Board review the Horden report prior to their January 31<sup>st</sup> meeting. She would like to see the plats available prior to the meetings.

H. Rey - Creek Road – commented on the problems of horse riders accessing his property, without permission.

### **ADJOURNMENT**

It was moved by S. Zdepski, seconded by J. Abel, and carried to adjourn the meeting at 10:58 PM. All members present voted **AYE**.