

**MINUTES**

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

**CALL TO ORDER**

J. Lutz called the meeting to order at 8:11 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.

**ROLL CALL**

**NEW AND PENDING MATTERS**

**Approval of Minutes**

It was moved by J. Mathieu, seconded by T. Siano and carried to approve the minutes of February 14, 2006 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

**Resolutions**

It was moved by R. DeCroce, seconded by D. Haywood and carried to adopt **Resolution No. 2006-04 – Mitchell – Bock 19, Lot 14.02 – Class III Minor Subdivision Amendment**. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by R. DeCroce, seconded by T. Siano and carried to adopt **Resolution No. 2006-05 – Mitchell – Block 19, Lot 14.02 – Extension to File.** All members present voted **AYE** on **ROLL CALL VOTE.**

It was moved by M. Augustine, seconded by D. Haywood and carried to adopt **Resolution No. 2006-06 – DeSapio – Block 6, Lot 9 – Minor Subdivision.** All members present voted **AYE** on **ROLL CALL VOTE.**

It was moved by M. Augustine, seconded by D. Haywood and carried to adopt **Resolution No. 2006-07 – CDMA, Inc. – Block 19, Lot 10 – Extension of Time to File.** All members present voted **AYE** on **ROLL CALL VOTE.**

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006-08 – Honey-mar – Block 26, Lot 4 – Extension of Time to File.** All members present voted **AYE** on **ROLL CALL VOTE.**

It was moved by D. Haywood, seconded by M. Augustine and carried to adopt **Resolution No. 2006-09 – Barbieri – Block 28, Lot 10 – Minor Subdivision.** All members present voted **AYE** on **ROLL CALL VOTE.**

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2006-10 – Laurelton Belmont – Block 22, Lot 17 – Final Major Subdivision.** All members present voted **AYE** on **ROLL CALL VOTE**

### **Applications**

#### **Perrotti – Block 7, Lot 14.10 – Extension to File**

G. Perrotti was present for the request this evening. He indicated he has not received his LOI from the DEP.

It was moved by R. DeCroce, seconded by J. Strasser and carried to grant a 180 day extension to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE.**

#### **Schick – Block 14, Lot 39 – Extension to File**

C. Schick was present for the request this evening. The matter was tabled last month to obtain additional information from the applicant. He had submitted his application to the DEP for his LOI. The LOI indicates additional wetlands so a resubmission was necessary. He also has a few more trailers to remove.

It was moved by J. Mathieu, seconded by J. Strasser and carried to grant a 180 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE.**

**Van Holten – Block 19, Lot 19 – Minor Subdivision**

R. Traynor, attorney for the applicant, Van Holten Inc. Van Holten Inc. is a contract purchaser for Block 19, Lot 19 owned by Mr. and Mrs. Stagg. J. Hall, licensed land surveyor, was also present for the application.

J. Hall stated the property is located on Barbertown Point Breeze Road at the sharp bend in the road. It is a gently sloping property to the North. The proposed lot is conforming in all aspects of the zoning ordinance. The lot has an acceptable percolation test. They are located in the northwest portion of the property, just outside of the envelope of being within the stream corridor. The new lot will contain 3.55 acres. The remaining land will contain 7 acres. There are no steep slopes on the property. There is a small portion of wetlands that will be on the remaining portion. There is an existing LOI in place and the new subdivision does not affect the wetlands. There are no environmentally sensitive areas on the property. There are no variances required.

R. Lorentz stated the LOI was issued in November of 2005. It specifically mentions the wetlands being of ordinary resource value. There is little impact from environmental issues on the building envelope.

J. Abel commented the Environmental Commission in their review noted that the greenhouse operation likely used pesticides and fertilizer and they would like you to be aware of it and strongly urge you to test. The Environmental Commission is not aware of any problems in the area.

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**.

*R. Lorentz stated he is listed as the engineer who performed the percolation test for the Township on the next matter and he will recuse himself from the matter.*

**Casuscelli – Block 1.02, Lot 4 – Minor Subdivision**

B. Casuscelli, contract purchaser and applicant, and S. Norkevich, land surveyor were present for the application this evening.

S. Norkevich stated the lot was formerly owned by Karol and Sophie Zub. They purchased the property in 1949. The lot is located on Ridge Road. The applicant proposes to subdivide the lot into two building lots, existing Lot 4 and proposed Lot 4.01. Remaining Lot 4 contains a gross acreage of 2.812 acres with a 25' wide roadway easement or dedication netting to 2.265 acres. Lot 4.01 contains a gross acreage of 3.02 with a 25' wide roadway easement or dedication netting to 2.825 acres. The existing house will be demolished.

B. Casuscelli stated the house has already been demolished by the Township.

J. Lutz called for comments from the public. No response was given.

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

*R. Lorentz resumed his seat as the engineer for the Board.*

### **Galleria – Block 17, Lot 15 – Conceptual Review**

B. Casuscelli stated he is the owner of Galleria Construction and the property in question. He would like to get the board's comments in regard to building a sports arena. B. Casuscelli provided more detailed plats to the Board members.

S. Norkevich stated the revised map shows the general area of the proposed septic system and well, indicates a few more parking spaces with numbers on them and provides the number of parking spaces required for the site, 66, based on the floor area. The number of spaces provided by the plan is 79. There will be a circular drive area.

T. Norkevich, environmental consulting agent for B. Casuscelli, stated the wetlands will be removed. The applicant is in discussion with DEP and A. Perez, who had issued some violations. They will obtain a General Permit #6. There might be some revisions to the plan because the project involves a commercial property, which might fall under the Stormwater Management Rules.

J. Abel stated this was his first project with the DEP. The shape of the wetlands are not the natural wetlands line, it is a compromise. The State is taking more land. A. Perez had indicated to him the matter was settled.

T. Norkevich stated the matter has been ongoing for 5 years. He was not involved in the original wetlands work. There are a lot of wetlands on the property which are not connected to any waterways. There are ordinary resource value wetlands along the swale.

B. Casuscelli stated he has the building designed for flexibility. If he loses the buyer for the sports arena, he would like to utilize the building for office warehouse. The building would have two stories in the front. The total square footage of the building is 32,000. He is aware there would be a COAH contribution required. The building will have a stucco exterior. He would like to face the building to have curb appeal.

J. Mathieu inquired of D. Pierce if in this zone, parking is required behind the structure.

D. Pierce stated in the Business Park Zone, all parking shall be behind the front building line. Either the plan has to be changed or the applicant will require a variance.

B. Casuscelli stated he would rearrange the parking rather than come in for a variance.

Some Board members expressed they would like to see the applicant apply for a variance for the parking.

R. Lorentz stated he is certain the project will have to comply with the Stormwater rules.

D. Pierce stated with flex space each tenant would need to apply for a zoning permit.

J. Abel inquired how the flex space would impact the septic size, such as five individual users or a recreation center.

R. Lorentz stated very little difference. Flex space is done by a basic unit in however many repetitions there are through a building with each one having its own facilities and its own square footage, somewhere between warehouse and office. The Board would have to deal with the constrictions of the site through site plan review. Any septic use over 2,000 gallons per day would require DEP approval of a treatment works facility.

J. Strasser inquired about the need for a sprinkler system. B. Casuscelli responded, if there is storage, it will require some sort of sprinkling system but a sports arena will not need sprinklers.

B. Casuscelli stated he plans to make an application to the Board by May.

### **Van Holten – Block 28, Lot 11 – Request for Postponement**

R. Traynor, attorney for the applicant, stated the Board had an application before you last month for completeness. The Board made some recommendations based on the design of the subdivision. The applicant's engineers met with Mr. Lorentz to talk about the recommendations and implementing them into their plan. They are requesting a postponement until the April meeting.

It was moved by D. Haywood, seconded by M. Augustine and carried to approve the request for postponement until the April 11th meeting. All members present voted **AYE** on **ROLL CALL VOTE**.

### **Proposed Ordinance 13-21-2006**

D. Pierce stated the ordinance includes all the changes that were suggested to the new zoning ordinance by D. Banisch, J. Novak and R. Lorentz. The ordinance incorporates what the Board discussed at the February meeting. The reason to keep 2 acre lots in the Class I minor subdivision and imposing the restriction on the dwelling size was to remove some of the barriers to moderate and low income housing and develop a class of housing stock which might satisfy that need. The Board wanted to preserve the option of allowing a developer, at the Board's discretion, to allow either clustering or lot size averaging. An application could come in where a property comes in for development and it is not appropriate for clustering. The property does not contain a huge amount of open space that would be desirable for the Township due to the type of soil. It might be more appropriate to allow lot size averaging to preserve the lands, and instead of requiring a conventional designed plan, preserve a nice sizable lot for agriculture and still achieve the development objectives of the Township. It is only an option for the Planning Board, not a requirement. The developer has to come in with a qualifying plan, seven acres for a lot, taking the constrained areas into consideration. The proposed ordinance before the Board indicates only the changes made to Ordinance No. 13-20-2006. The restriction of 3,000 sq. foot home on a 2 acre lot only applies to Class I minor subdivisions. The reason it does not apply to a major subdivision is because you are still getting an average of 7 acre lot sizes. The restriction only applies to newly created lots. Applicants will have to come in with a qualifying plan and then the Board has the option to request either lot size averaging or clustering. If an applicant comes in with a cluster plan and has two acre lots, they can build any size home because the development as seven acre density. Minor

subdivisions will remain the same leaving the two acre minor as an accommodation to people who have owned their lands for some time with an expectation to develop. They would then be unable to do a major for five years.

The Board was polled on whether the 3,000 sq. ft. limitation on dwelling size should apply to lots of less than 4 acres in a major subdivision. The Class I has a limitation of 2 acres in size and the Class II minor has the limitation on dwelling size on any lot less than 4 acres. Does the Board want to extend the restriction to a major subdivision?

The result of the poll was six in favoring of leaving it the way it is with five wanting uniformity with an overall outcome of six to five.

It was moved by J. Abel, seconded by D. Haywood and carried to recommend to the Township Committee adoption of proposed Ordinance No. 13-21-2006, as written. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who voted Nay and J. Lutz, who abstained.

### **CORRESPONDENCE**

J. Lutz reviewed as per the agenda.

### **PUBLIC COMMENTS**

The following members of the public spoke:

A. Hauck – Spring Hill Road;  
R. Oakes – Horseshoe Bend Road;  
J. MacConnell – Spring Hill Road.

The above individuals offered comments on nitrate dilution, lot size averaging, clustering and appreciation for considering the newly revised ordinances.

### **Submittal Date**

It was moved by J. Strasser, seconded by M. Augustine and carried to make it a policy to allow applicants to submit a complete application 20 days prior to a meeting. All members present voted **AYE** on **ROLL CALL VOTE**.

### **ADJOURNMENT**

It was moved by D. Haywood, seconded by J. Mathieu and carried to adjourn the meeting at 10:08 PM. All members present voted **AYE**.