

MINUTES

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

ABSENT: J. Abel
J. Harabedian

CALL TO ORDER

The meeting was called to order by J. Lutz 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

Approval of Minutes

It was moved by D. Haywood, seconded by T. Siano and carried to approve the minutes of June 13, 2006 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except L. Herrighty, who abstained.

Resolutions

It was moved by S. Zdepski, seconded by D. Haywood and carried to adopt **Resolution No. 2006-18 - Trstensky - Block 24, Lot 13.09 & 13.10**. All members present voted **AYE** on **ROLL CALL VOTE**, except L. Herrighty, who abstained.

It was moved by D. Haywood, seconded by S. Zdepski and carried to adopt **Resolution No. 2006-19 - Smith – Block 37, Lot 9 & 9.01**. All members present voted **AYE** on **ROLL CALL VOTE**, except L. Herrighty, who abstained.

S. Zdepski recused himself his position on the Board for the following matter.

Gordeuk – Block 23, Lot 17- Minor Subdivision

S. Norkevich, Land Surveyor, was present for the application. The property consists of 51.60 acres. The application proposes to create one two acre lot and one 24.15 acre lot. The lands remaining will consist of 25.33 acres. The area being presented with the application satisfies the part of the ordinance regarding buffers, wetlands delineation, the 25' roadway easement along Barbertown Point Breeze Road and perc and soil testing. Percs and soils have been completed on Lot 17.02 and 17.03. The remaining lands have an existing dwelling. In regard to the wetlands buffer, R. Lorentz stated the wetlands requirements have been met over most of the project. There are places where the 300' buffer would extend beyond but because they have been previously developed, there would be the ability to reduce it to 150'.

S. Norkevich stated the driveway for Lot 17.02 allows some access to the backlands for farming and for the farm structures supporting the farming. The property is under contract for sale.

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

S. Zdepski resumed his seat on the Board at this time.

DeSapio – Block 6, Lot 9- Amendment to Approval

J. Lutz called the matter. There was no response. D. Pierce stated since the request is for an amendment, the applicant should be present.

First U. U. Fellowship – Block 2, Lots 16, 17 & 19 - Determination of Completeness;

D. Pierce stated, since the applicant is a Corporation, they will need to be represented by an attorney.

Hidden Orchards – Block 22, Lot 16 – Continuation of Hearing

T. Miller, attorney for the applicant, stated the hearing this evening is a continuation of the hearing started in June. The property consists of 74 acres. There are thirteen building lots with an average lot size of 5.69 acres.

J. Symonds, remaining under oath from last month, testified the lot numbering problem present last month has been resolved. There is a new entrance off Hammar Road. The Board requested the bio-swale be set further from the edge of pavement and they have moved it four feet from the end of the pavement. The applicant has done some test pits along the roadway to determine the regional water table. Lot 15.01, originally having access from Hammar Road, will have access off the interior roadway. The original application had access for the development through Lot 17, following the same path as it does now to a cul-de-sac near proposed Lot 16.05. There was also a cul-de-sac that went through to Lot 16.11 but it was removed to stay out of the buffer for the Category 1 stream. They had to shorten the cul-de-sac by 300 feet. The north east section of the subdivision is serviced by the wetland basin on Lot 16. It discharges down through a pipe through 16.04 into a swale and then discharged into 16.01. The south west corner of the subdivision is being serviced for stormwater by the use of bio-retention basins and swales. The retention basin will go partially through Lot 16.01 and discharge into a swale. The DEP would not grant a permit to cross the Category 1 stream without the applicant first attempting to purchase additional property. The applicant's have a LOI on Lot 16 and wetlands delineation

on Lot 15.01. They will need to acquire one or two general permits for crossing wetlands and transition areas. They are permitted to disturb 5,000 sq. ft. of area. The DEP put both of the lots together with a maximum disturbance of .25 acre of wetlands. J. Symonds stated E. Cook informed him the newly identified wetlands would require a 50' buffer. The DEP provides for a maintenance manual for Best Management Practices in regard to the swales. The deeper area collects most of the debris. One area will be 4-6' deep and the second will be 18 – 24" deep and the third will have specific plantings. There will be maintenance for the basin. The Homeowner's Association will have to hire an appropriate landscape contractor to maintain the basin. The wetlands basin will be installed prior to the beginning of construction. Lot 16 will have an easement round the basin and on the certain portions of the swale. The basin will be fenced. It will be planted with grasses that will reach a certain height and stop growing. The outside embankments will need to be mowed. The inside of the basin will grow wild. The four bay will remain wet at all times. There is a possibility the second area of the basin could dry up for short periods of time. DEP will have to be contacted in regard to the control of mosquitoes. The maintenance manual for the basin will have to be attached to the deed for the particular lots.

T. Miller stated all the lots will have easements on the properties. The Township will have the right but not the obligation to review the basin, insist on repair and charge the repair to the homeowners.

R. Lorentz stated once the DEP includes the review of the Stormwater Management in its review, it becomes part of the permit for the maintenance.

J. Cosgrove, under oath from last month's meeting, testified the drawings before the Board this evening show the locations of some of the borings that have been completed since the last meeting. The vertical bars are the test pits. The dash lines are a measure of the ground water table. The seepage is indicated by the heavy dashed lines. The purpose of the drawing was to show the Board the distance from the swale system and the seasonal high water table. The hatching along the top of the profile is the special soil for the swale for the stormwater to infiltrate. There may be water in the gravel at the bottom but the stormwater has already been treated. Each of the test pits have been labeled and tell you the depth of seepage and regional saturation. There are seven test pits identified. The top layer is a very sandy soil mixture and a filter fabric is between the soil and gravel. The calculations are based on the infiltration of the water through the sandy soil. All the gravel is doing is providing a reservoir for the water to infiltrate into the ground. It is not a storage area. The calculations are based on an infiltration rate of 1" per hour. The system is not a continuance system. It is broken at the driveways by a pipe for the driveway. The system is designed to not have water flowing down the swale. It will be going off the road into the swale and then infiltrate into the side of the swale. The swale is four feet from the edge of the pavement to the down slope of the swale. The maintenance required is to have vegetation planted. Grass tends to grow through the sediments. It is a very shallow swale and there is very small input of sediment on the swale. The system has been used for 15 to 20 years in the metro DC area without any additional maintenance. The only maintenance it would require is when silt comes in from construction. A filter fabric should be installed during construction, removed and reseeded when construction has been completed. DEP will be reviewing the project. The individual lots do not need a bio-retention basin for the lawn. The swale is only taking the run-off from the road. In regard to mosquitoes, if a proper ecosystem is maintained, it will have predators for the mosquitoes.

J. Lutz opened the hearing to the public.

S. McNichol stated 13 building lots will be created and what was the size of the smallest lot. J. Symonds responded 2 acres is the minimum. There are approximately 10 – 2 acre lots. S. McNichol inquired as to the size of the homes. D. Nenna responded 4,000 to 4,500 sq. ft, four bedrooms, 2.5 to 3 bathrooms and, if the

customer chooses, a Jacuzzi. S. McNichol inquired if the road will be public or private. T. Miller responded it would be a public road.

J. Mathieu inquired how much of the swale is in the road right of way. R. Lorentz indicated the entire system is in the road right of way.

D. Pierce responded the Township has the ownership of the road. There will be an easement for the drainage. The Township can provide language in the easement that they have the right to inspect, appropriate and charge against the properties if not maintained.

D. Nenna stated he had suggested to the Historical Society the naming of the road for Lot 17 to be "Corneilia Court". J. Lutz responded he has spoken with the Historical Society and they would probably be willing to do it.

D. Stryker, Historical Society Chairman stated the Board can make the request but the Historical Society uses historical names for families and would prefer to keep it that way. C. Baum set up the ordinance that way and would have liked it to be adhered to. M. Wehr does the searching of the records to come up with the names.

It was moved by R. DeCroce, seconded by T. Siano and carried to approve the application with conditions. All members present voted **AYE** on **ROLL CALL VOTE**.

First Unitarian Universalist Fellowship – Block 2, Lots 16, 17 & 18

T. Koester, attorney, of Dilts & Koester was present for the application this evening. M. Zubber was present as a representative for the Fellowship. The applicant is proposing a lot line adjustment and site plan. The purpose of this meeting is for a completeness determination so they can proceed with a public hearing. The proposed new lot contains 10 acres. The waivers requested in the June 19, 2006 letter to the Board for lesser lighting, smaller parking spaces (for church use only) and the elimination of the requirement of a loading space.

R. Lorentz stated he would like to review the lighting plan a little closer. There doesn't seem to be enough lighting in the handicapped areas.

M. Zubber stated the lights will be on as little as possible. They are present for the safety of the people leaving their cars in the evening.

It was moved by S. Zdepski, seconded by R. DeCroce and carried to deem the application complete. All members present voted **AYE** on **ROLL CALL VOTE**.

Township of Kingwood - Proposed Ordinance No. 13-28-2006

D. Pierce stated the proposed ordinance before the Board this evening is as a result of a discussion the Board had several months ago revising the checklist requirements to include various items relating to maps and plats. The ordinance was introduced last Wednesday by the Township Committee and it is before this Board for recommendation and review. D. Pierce stated R. Lorentz had several changes he recommends:

*Page 3 – Under subdivision checklist – the plans 24 x 36 should indicate an "M" for
May be required for minor subdivision.*

Page 4 to 5 – For the list of property owners within 200' – each of the checklist reference

“to be certified by the Tax Collector”. It should be the “Tax Assessor” in each of the Tables.

Page 6 – In the language relating to the percolation tests, soil logs and engineer certifications, the deletion of 2 percolation tests and 1 soil log for one lot and put in permeability tests.

Page 7 – The last entry in the checklist requires 20 copies of a qualifying plan and have a requirement to be included in a minor. It is not required to a minor but relates to a cluster development

D. Pierce will contact J. Novak to see if the above changes would constitute a substantial change from the original proposed ordinance.

It was moved by D. Haywood, seconded by J. Mathieu and carried to recommend adoption to the Township Committee of proposed Ordinance No. 13-28-2006 with the above changes. All members present voted **AYE** on **ROLL CALL VOTE**.

DeSapio – Block 6, Lot 9 – Request for Amendment to Prior Approval

S. Zdepski stated the Board has before them this evening a request from the applicant to amend their prior approval. The Board can either choose to say yes, no or officially make a decision to have the applicant present.

D. Pierce stated he had a conversation with J. DeSapio and J. Abel. J. DeSapio’s position is that he would like to eliminate the requirement of obtaining an LOI altogether. In his discussions with Mr. Abel, there could be a change in the timeline for the requirements. It is a policy in the building department not to issue a building permit until an LOI has been obtained. It would be appropriate if the Board decided to make the condition not to obtain the LOI before recording the plat but obtain the LOI before the building permit. In my conversation with J. Abel, it was not my understanding J. Abel was advocating the elimination of the requirement.

S. Zdepski stated as long as the applicant has a letter from his professional in regard to the wetlands that is all that is required.

D. Pierce responded the Board had done that for a long time but in the recent past a standard condition to obtain an LOI before the deeds have been recorded was added due to the problems that have developed on certain lots. The condition was incorporated into this resolution and has become one of the standard conditions of approvals.

S. Zdepski stated it is something the DEP has been asking towns not to do. They do not want every approval to require an LOI. R. Lorentz can verify that statement.

D. Pierce stated it is the Board’s decision if they want to make it a standard condition. It is not the Board’s responsibility to have the Board act as an insurance agency. It should be weighed against the thoughts by some that the Planning Board should do more to look at the potential property owners that do not have the knowledge of the local people. A potential property owner could be buying a lot they cannot really use or has substantial restrictions on it. If the DEP has advised that they do not want towns doing it in a pro-forma basis then it is really not within the Board’s or Township’s jurisdiction. DEP has sole jurisdiction over wetlands.

After a lengthy discussion, the Board decided they would not act on J. DeSapio’s request without the referenced letter from his engineer.

CORRESPONDENCE

J. Lutz reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

A. Hauck – Water Well Studies Coordinator – commented on his difficulties with Dr. Althoff providing a draft Well Ordinance. After a brief discussion, the Board suggested A. Hauck write a letter to Dr. Althoff providing her with a deadline. He also commented, in regard to the Hidden Orchards application, in an area such as that, the lots might be too small for nitrate dilution.

J. MacConnell – thanked the Board for the 7 acre zoning.

ADJOURNMENT

It was moved by T. Siano, seconded by R. DeCroce and carried to adjourn the meeting at 10:02 PM. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, J. Strasser and L. Herrighty, who voted **NAY**.

Respectfully submitted,

Diane Laudenschick, Secretary