

MINUTES

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

ABSENT:

CALL TO ORDER

The meeting was called to order at 8:03 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 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

Deer Run/Equestrian Village – Block 12, Lot 31 & Block 14, Lot 28.02 & 30 – Continuation of Public Hearing

F. Wisniewski stated he is representing the applicants on both of the projects. The Board voted to grant preliminary approval on the Deer Run project. The conditions that were imposed on the preliminary approval are all items the applicants agree to and could accept a similar condition on final. The only remaining issue is the water storage tanks for the development. He stated M. Mayhew has put in calls to the fire officials but has not received a response as yet. The applicants feel they can supply the concerns with the installation of two tanks. The water would be supplied by outside sources. The homeowners association will monitor them.

D. Pierce stated the applicant has submitted a proposed final plat. There are several issues with regard to the final plat that need to be addressed. There is nothing that would prohibit the Board from granting final approval subject to the same conditions set forth in preliminary approval. There is an additional condition for the posting

of sufficient security for the public improvements. R. Lorentz has not received the proposed improvements for the Horseshoe Bend Road frontage. M. Mayhew stated the drawings will be delivered tomorrow.

R. Lorentz stated there are some technical issues which can be resolved during the process of getting the plats ready for final. There is a requirement all outbound monuments must be set before final approval. The plat, as presented, does not specifically identify the items as being found or set so it needs to be addressed. There is, in his opinion, the need for some additional corner markers in terms of how the Right-of-Way of Spring Hill Road and Horseshoe Bend are delineated. The name of the new road needs to be shown on the plat and it has not been determined yet. F. Wisniewski stated they have requested the name from the Historical Society but have not received a response. R. Lorentz stated, in regard to Equestrian Village, the road configuration that is proposed and approved in Deer Run creates the need for a new tax block number for the internal section separated by the road, as well as, in Equestrian Village. The block and lots will have to be assigned by the Tax Assessor and indicated on the final plat. F. Wisniewski stated the final plats would not be presented until the numbers have been assigned by the Tax Assessor.

D. Pierce stated the motion would be to grant final major subdivision approval subject to all the conditions made of the preliminary approval together with the requirement to revise the plat to show the Horseshoe Bend Road improvements, to show the outbound boundaries as being found or set, indicate the corner markers showing Horseshoe Bend and Spring Hill Roads, to obtain approval from the Tax Assessor of the tax block and lot numbering and enter into an appropriate developers agreement with satisfactory bonding provisions for the public improvements prior to the release of the mylars for recording.,

D. Pierce stated M. Augustine, J. Abel and R. DeCroce are not eligible to participate in this portion of the meeting as they were not present at the last meeting.

It was moved by S. Zdepski, seconded by T. Siano and carried to grant final major subdivision approval for Block 12, Lot 31 – Deer Run. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who voted **NAY**.

Equestrian Village

M. Mayhew testified the rendering before the Board is different than what is presented on Exhibit EV-1, a colored rendering of the overall plan on the easel. The project is on the west side of Horseshoe Bend Road. It contains 256 acres. They are proposing 43 building lots, which is significantly below the allowable density of 61 building lots. There currently exists one home on the site and it is labeled Lot 1. There is a white section on the plan, which is not subject to the subdivision. There will be a land transfer between the owner of the flag stem and the applicants. That lot is approximately five acres. There are two entrances proposed for the subdivision, road "A", aligned from the recently approved Deer Run, which will create a 4-way intersection at the high point of Horseshoe Bend Road. Its position is at the best line of site for exiting. The southern driveway is aligned with Spring Hill Road. The existing driveway at that location will be servicing the site. There will be onsite septic and wells for all lots. There will be a street light between road "A" and Horseshoe Bend Road. There will be a bus shelter at road "A" with a little turn off from the main road for the bus to pull over. The underground fire protection storage tanks will provide an area for the fire trucks to pull off the road. The second underground tank is located on the southern driveway, also with an area for the fire trucks to pull off. The project proposes to minimize the disturbance of the wooded area. There is one submittal to the DEP to cross an existing driveway. It crosses a water course. The state requires a stream encroachment permit. As part of their applications, the state will review the Stormwater Management Plan. There are three requirements: Recharge criteria, criteria for total suspended solids and peak flow rate stormwater reduction. The applicants

have to demonstrate that the peak rates are half the peak rates for the 200 year storm. Each of the homes will have dry wells. The water from the roadway will lead to an infiltration basin. Peak reductions will be accomplished by the three proposed detention basins on the site. The average lot is six acres. The applicant has voluntarily restricted some of the developable site. The development will have grass swales that will collect the water and filter it through vegetative swales. The plan has been approved by the Township engineer, the Hunterdon County Conservation District, County Planning Board and DEP. The applicant is requesting a waiver from the RSIS due to the state limit of 24 homes accessing a single road. The application proposes 25 homes accessing the driveway. The settlement agreement provides for the driveway to be brought into the interior road. On road "B, southern loop touches on all the slopes the Township identifies, 10, 15, 25 and 30%. The road provides for a safer layout. There is another option to relocate the road from the steep slope but there are other environmental constraints. The applicant would like to stay away from the streams. It is a benefit to bring the roadway next to the out parcel, eliminate the flag stem and another potential interface onto Horseshoe Bend Road. On Lot 27, there is a small section along the proposed driveway which has slopes 25% or greater. The configuration of the lot was more environmentally sensitive. There is a dry water course that runs southeast to northwest and the driveway will cross it. If the house is relocated, it would be closer to a wetlands area. The applicant wanted to move the house as far away from the environmental constraints. The state requires infiltration testing in the detention basins. The state requires the rate to be cut in half and for it to drain in 72 hours. They have gone out to the site and dug test pits in the area of the detention basins. They have not tested along the road. The swales have a positive gradient. There are two drywells on each home but not all locations have been tested. They will be using the results from the soil testing already performed on the lots. Lots 14, 15, & 16 are the lots which will be donated to the Township. They are located north of road "A". The lots meet all the bulk and area requirements. The only guide rail will be at the proposed culvert on road "C". No other guide rails are planned. All of the basins are located on lots and easements will be created. Lot 27 will require a GP-10 permit. The full frontage of Equestrian Village will be widened to an even 20' of cart way with a 2' stabilized shoulder on both sides. The cart way would be designed to comply with RSIS. They will be improving the intersection of Spring Hill and Horseshoe Bend Roads. There will be a little grading on the side of the culvert. The guide rails will be a steel guide rail. They do not need to lengthen the culverts. Horseshoe Bend will be widened to 28' wide 50' from the intersection. In regard to the existing structures on the property, Lot 1 will encapsulate the outbuildings and home. All those structures will remain. The existing access drive leading to the out parcel will be removed. There will only be one entrance to road "A". The applicant does not intend to demolish the storage facility on Lot 25. The kennels to the far southern portion of Lot 25 will be removed. The storage facilities on Lot 28 would be the responsibility of the homeowner, to keep or remove. Lot 25 contains 5.7 acres. The construction of the development will not require the removal of the physical features on the property. The structure in the rear of Lot 1 will be part of the Lot and up to the homeowner to use or remove. The existing driveway on Horseshoe Bend will remain for Lot 1 due to the location of the home and existing structures. There are no easements planned for any horse riding. There will be no vertical alignment of Horseshoe Bend Road. The hill begins at the entrances and the pipeline limits their ability for any modification.

R. Lorentz has reviewed the design and there would be a need for the introduction of some site easements to preserve those features as part of the final subdivision. They would apply to Deer Run also.

F. Wisniewski stated the policy, in relation to the improvements to the roads, is that the property owner would contribute the money to the township and when the township is ready to do the work, they would physically perform the job. In regard to horses, the owners would be subject to the regulations in place at the Township. The plan does not provide for any public corral or public barn. In regard to blasting, the applicant would return to the Township prior to any blasting and would be agreeable to a condition of approval.

D. Pierce stated the Right To Farm is limited to accepted agricultural practices subject to what the state approves as agricultural practices.

R. Lorentz, in regard to the storage tanks, stated they are located in an area proposed to be road fill. Nothing would preclude filling over the tanks.

F. Wisniewski, in regard to off tract contribution, stated the applicant will contribute to the Township the total estimated cost. The Township will perform the work. The contribution will be based on 100% of the improvements abutting the property and a percentage on outside of the property.

D. Pierce inquired, of M. Mayhew, on the encroachment of the structures on Sheet 7, Lot 28. One of the structures encroaches on the side yard setback. M. Mayhew testified the nearest corner for the first structure is 25' from the property line. It would not be an issue to move the lot line 5'. One of the structures is a pole type structure with a canvas covering and one is a Morton building. The applicant does not propose to demolish the structures. The homeowner will be responsible for them. M. Mayhew stated Lot 42 contains several lean-to type structures in the front yard. They will be removed.

F. Wisniewski stated the heliport and landing pad will be removed due to it becoming a residential area. The Morton building will remain.

M. Mayhew testified the applicant is voluntarily restricting, on Lot 11, 12, & 13, approximately a 35' width near the existing tree line. The tree line is a mix of deciduous and conifer trees.

D. Horner, traffic consultant, testified as to the route his firm has developed for ingress and egress of construction traffic. The firm has prepared an impact traffic study dated May 6, 2005. They have come to a similar conclusion as for Deer Run. The traffic volume for 43 single family homes is relatively limited to the existing frontage roadways. Any creation of traffic congestion would have a diminuous impact on traffic. The road should remain at a level service of A, B, C. On the frontage width of the development, the road will be widened to a 20' cart width with a 2" shoulder. There will be a contribution for off-tract improvements based on the impact of this development. The original study assumed 54 lots. The construction access plan will be detailed in a manual. The manual will be provided to the contractor to dictate where the construction vehicles enter and exit. He is recommending no truck traffic be directed north on Horseshoe Bend Road. All construction traffic will be oriented on Horseshoe Bend Road to the south. He suggests the traffic be split and forced to go in a one-way pattern on Spring Hill Road and Horseshoe Bend Road. The exiting traffic should proceed from Horseshoe Bend to Route 519 and the inbound traffic should enter from 519 onto Spring Hill Road. If there is a need, flag men can be posted to insure there are no problems. The contractor is under the control of the developer and will be provided with a manual and route map. A way of policing it would be for the installation of a temporary sign for construction vehicles. He could not testify as to the number of trips the construction vehicles would be making in a day.

F. Wisniewski stated the construction will be of individual homes. Only a few of the homes will be constructed at the same time. He does not anticipate there will be a lot of heavy activity at one time. The most concentrated traffic would be for the installation of the road. In regard to mud and debris on the road, the plan has to be approved by the Hunterdon County Soil Conservation District. Appropriate scrubbers will be installed.

R. Lorentz stated anti tracking pads will be installed for both developments. With the configuration of the developments, construction is well within the site. There is a large amount of roadway before entering the

public road. Cleaning of the vehicles can take place in the interior area. Hunterdon County Soil Conservation will inspect to assure compliance.

In response to a question from a Board member, F. Palopoli, applicant, stated the project will be built out in about 5 years for both sides.

E. Hermann of Van Cleef Associates is a sub-consultant to the project. In regard to the soil testing, all the lots have obtained complying results. There were two soil logs on each lot and basin flood tests. There were two pit bale tests, on Lots 27 and 30. The testing was conducted in the wet season of 2005. He has been to the site several different times for lot changes and issues with home sighting. The testing was very similar to what they encountered on Deer Run, top soil into a fractured rock sub-stratum. All of the lots have suitable soil testing in accordance with state and municipal requirements.

J. Zdepski testified all the wells have been installed for the pump test patterns on Equestrian Village. The well yields are from 100 gpm to an estimate of 9-10 gpm. It is apparent there is an abundance of water available and each lot will have an adequate supply. The test wells have been installed as per P. Althoff's requirements.

F. Wisniewski stated the applicant has mailed out revised notices, approved by P. Althoff to the residents within 2500'. There is nothing further on this preliminary application.

D. Pierce inquired, of M. Mayhew, if the proposed conservation areas will be limited to passive recreation. The Township has had problems with ATVs going through the backs of properties. It would defeat the purpose if there was no restriction on that type of activity. F. Wisniewski stated the applicant can provide that no motorized vehicles will be allowed.

D. Pierce inquired in regard to the proposed bus shelter. It is proposed to be located on Lot 16 and dedicated to the Township. What is the reasoning as to why it is proposed to be located on Lot 16 rather than Lot 1? It will be a requirement of the homeowners' association to maintain the shelter. M. Mayhew responded it was the intent to incorporate the shelter in the Right of Way and dedicated as part of the roadway. It is the homeowners association who is responsible for the maintenance. The proposed positioning was determined to be the most practical and safest.

J. Lutz requested questions from the audience.

T. Kania commented about blasting, a notice to the general public to discuss the blasting, if it was necessary, and litter control. F. Wisniewski responded something could be put into the contract with the contractor that they are going to be responsible for the clean up and that they shouldn't litter in the first place. If there is a problem, the Township can notify the developer and the developer will then contact the contractor. The applicant doubts any blasting will be necessary but if so, the applicant will adhere to the procedures the Township outlines. R. Lorentz stated there are guidelines for blasting. It needs to be under the control of a licensed blaster. The Township has a notification process that is used for an individual event. The utility companies, who are the most common users of blasting, are aware they need to contact the municipal clerk's office before blasting. They need to provide the information of the licensed individual who is in charge. S. Zdepski stated any blasting will require a notification to any property owner within 2500'. R. Lorentz stated there is a similar requirement in the Deer Run application. If it were the last resort, the applicant would have to come back to the Planning Board. D. Pierce stated the applicant would have to demonstrate to the Planning Board that there would be no alternative to blasting.

D. Felshow inquired what impact the proposed development will have on the storm drain near his property, the small lots on the southern end of the development and the propagation of additional pests. M. Mayhew responded there will be no impact. The stream encroachment permit from the state requires there be no impact on any homeowners down or up stream of the proposed project. In regard to the small lots, the lots are 6.9 and 6.1 acres. The plan is deceiving as they are in a small clearing. The rest of the property is wooded. M. Mayhew responded the bottom of the basins will have infiltration capability. They will drain in 72 hours to limit the potential of mosquitoes.

N. Potter commented on the additional funds for the off tract improvements for Horseshoe Bend Road but what about the area where Fairview and Horseshoe Bend join and the location of the bus shelter. D. Horner stated the traffic generated from these homes will not have any impact requiring any improvements to the roads. Whatever is included in the Township Master Plan, the developer will be responsible for their share. There should be a total of approximately 75 vehicles at the intersection. The additional traffic does not bump us up to a threshold to make any improvements. The intersection will operate at an acceptable level of service. R. Lorentz commented there is another development which has received preliminary approval and part of its obligation will be an improvement on Fairview Road, past the Old Municipal building. It will offer some ability to turn it into a more right angle intersection. Both developers will make a contribution for the improvements. M. Mayhew stated Ms. Ponter's comment of the bus going in and turning around in the area is correct. It provides the closest opportunity for the bus to enter the area.

R. Oakes commented if he would be responsible for participation in the homeowners association, their rules and the restriction of ATV's in the conservation district. F. Wisniewski stated it is not the developers intent to make him part of the association.

C. Beidelman questioned who would be responsible for the maintenance of the roads, the issue of safety for the construction phase for the children who wait for the bus at the intersection, if the testing had been done prior to preliminary approval on Deer Run and why is approval being sought for Equestrian Village prior to testing. F. Wisniewski stated the Township would be responsible. S. Zdepski responded the homeowners association is responsible for the maintenance of a private road. Class IIIs are private roads. The largest private road in the Township is Byram Colony Road. F. Wisniewski stated the homeowners association will be required to maintain the fire ponds, drainage facilities, bus stop and can be responsible for enforcing the restrictions in the conservation areas. The Township, if they want, can also have the enforcement of the conservation easement. F. Wisniewski stated the applicant is providing a bus shelter on the property. S. Zdepski stated someone from the audience brought up the idea of a transportation vehicle not the applicant. He would suggest it might be appropriate for the applicant, once construction starts, to provide a safe and easy access for the children to wait. S. Zdepski suggested to the applicant they might want, when construction has begun, to clear an area at the intersection of Spring Hill Road and proposed Road "C" for parents to wait with their children for the school bus. F. Wisniewski stated the applicant can move the gate back and put down some crushed stone in the area, enough for a pull off and turn around. F. Wisniewski stated the testing had been done on Deer Run prior to preliminary approval and approved by P. Althoff. F. Wisniewski, in relation to Equestrian Village, stated the settlement agreement provides preliminary approval can be obtained pending the well interference testing. The issue of well interference testing is being pushed back to the final phase of the application. Application for final approval will not be submitted until the testing has been completed. D. Pierce stated the Board has experienced at least one development application that returned for three modifications due to the requirements of the DEP. It is part of the ordinary process to have conditions.

T. Kania inquired about the bus stop. J. Strasser, chairman of the transportation committee at the high school, stated he should contact S. Schraible at the high school for suggestions.

J. Pandy commented she has a concern about the use of the road department to do the improvements to the roads for the development and the safety of the children in getting to and from school with the construction traffic. S. Zdepski responded the Township has the equipment and the ability to do the improvements. The Township has saved thousands of dollars by doing the work ourselves. The Township has the manpower and talent to do the improvements. F. Wisniewski stated the developer will provide signage and the road has a speed limit. R. Lorentz stated the speed limit on the road can be temporarily reduced. S. Zdepski stated it can be done by signage "Construction Traffic, Proceed Slowly" and can be required as a condition.

N. Potter commented on the other development on the road and their requirement of well testing. R. Lorentz stated any new development will have to follow a similar testing procedure. The purpose of the interference testing is to try to simulate the entire development being in place in a short period time. Except for Deer Run, everything is remote. A band of 2500' around the property has been set for wells to be tested and considered to be a reasonable and safe distance.

A. Hauck stated he has compiled a color coordinated map of the Township for well yields. The Township consists of two types of geology, shale and the Lockatong argillite. He has looked at the development and found they have a certain static water level of 12 to 20 gpm. The water table was less. The code of influence for a well is one mile. The water well ordinance he is working on is based that possibly 2600' can be affected by a well.

W. Pandy inquired if the wells will be tested for radon. J. Zdepski responded yes. They will be tested for the particles that come off radon, Alpha and Beta. They did not exceed the standard in Deer Run.

J. Lutz closed the hearing.

J. Mathieu expressed his concern on the conservation and preservation easements in the northern part of the development. M. Mayhew stated the darker are the woods that will remain. The cross hatch line and the plus signs are identifying the two types of easements. The plus signs are the voluntary conservation area that the homeowners association will oversee. The cross hatch areas are the preservation areas and prohibited from further disturbance. The wetlands and transition areas are incorporated in the preservation easement which encapsulates the steep slope requirement in your ordinance and will be in each homeowner's deed.

D. Pierce reviewed the conditions of preliminary approval.

It was moved by D. Haywood, seconded by J. Abel and carried to grant preliminary approval to Equestrian Village. All members voted **AYE** on **ROLL CALL VOTE**, J. Mathieu voted **NAY** and M. Augustine **ABSTAINED**.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by T. Siano, seconded by J. Abel and carried to adjourn the meeting at 10:44 PM. All members voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary