

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood
W. Kastning
J. Mathieu
S. McNichol
E. Niemann
T. Siano
J. Strasser (7:50 PM)
M. Knapp, Alt. #1
L. Senus, Alt. #2
T. Decker, Engineer
D. Pierce, Attorney

CALL TO ORDER

The meeting was called to order by D. Laudenbach at 7:04 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 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

T. Siano nominated D. Haywood for Chairperson for 2007. No second was made.

W. Kastning nominated J. Mathieu, seconded by E. Niemann as Chairperson for 2007. It was moved by W. Kastning, seconded by E. Niemann and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Siano, who voted **NAY** and J. Mathieu, who **ABSTAINED**.

Nomination of Vice Chairperson

E. Niemann nominated W. Kastning, seconded by R. Dodds as Vice Chairperson for 2007. It was moved by J. Mathieu, seconded by R. Dodds and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE**, except W. Kastning, who **ABSTAINED**.

Approval of Meeting Dates

February 13, 2007	July 10, 2007
March 13, 2007	August 14, 2007
April 10, 2007	September 11, 2007
May 8, 2007	October 9, 2007
June 12, 2007	November 13, 2007
	December 11, 2007

It was moved by W. Kastning, seconded by D. Haywood and carried to approve the above dates as the official meeting dates of the Planning Board for 2007. All members present voted **AYE** on **ROLL CALL VOTE**.

Designation of Newspaper

After some discussion on the circulation of the local newspapers, it was moved by D. Haywood, seconded by S. McNichol and carried to designate the Delaware Valley News as the official paper of the Planning Board with the Hunterdon County Democrat and Express Times as alternates. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Pierce stated, for the December 12, 2006 minutes and resolutions, only the members who were present at the meeting are eligible to vote on the minutes. All other must abstain. In regard to the resolutions, only those members in favor of the application at the prior meeting may vote on the motion to approve the resolution for the application. W. Kastning suggested the resolutions contain a column of “Ineligible to vote”. All the resolutions will have a column indicating the new members of the Board as “Ineligible”.

Approval of Minutes

It was moved by D. Haywood, seconded by T. Siano and carried to approve the minutes of December 12, 2006.

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

Resolutions

D. Pierce stated all the resolutions will be amended to include an ineligible column at the end of the document and the marks will be moved to that column.

It was moved by D. Haywood, seconded by T. Siano and carried to adopt Resolution No. 2007-01 – Blumberg – Block 19, Lot 3.02 – Extension of Time to File.

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano

NAY - None
ABSTAIN – None
ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt Resolution No. 2007-02 – Laura Properties – Block 8, Lot 25.01 – Minor Subdivision, with the following corrections:

Page – 3 – Section 1 “*Lower Oak*” should be “*Lower Oak Grove Road*”
Page – 8 - *shaving be changed to*” *having*”

In response to a question by a board member, D. Pierce responded the application was not required to have a hydrogeological report. The application was a minor subdivision and minor subdivisions are not required to comply with 153-29.

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-03 – Antiskay/Ferri – Block 13, Lot 13 – Minor Subdivision** with the following changes:

Page #1 – change Ferri (the “Applicant”), the “applicant”
Page #7 – shaving be changed to” having”

D. Pierce indicated he lists the applicants in the resolution rather than the owner. D. Haywood stated listing the applicant is fine.

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-04 – Delia – Block 12, Lot 33 and 33.02 – Boundary Line Adjustment.**

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt Resolution No. 2007-05 – Silverson – Block 7, Lot 14 – Minor Subdivision with the following change:

Page 6 - shaving be changed to” having”

S. McNichol inquired about the configuration of Lot 14.17 and its possible inadequacies of depth. D. Pierce stated if the lot does not comply with the depth requirements and require a variance, the board can re-open the hearing.

The board took a brief recess for the secretary to obtain the plat from the files. After a review by D. Pierce of the plat, the lot does conform to the ordinance requirements. S. McNichol inquired about the isolated pocket of wetlands on Lot 14.16. D. Pierce responded the plat notes there is a general freshwater wetlands permit for the construction and the resolution provides, as a condition, the applicant receive and submit to the Board a Freshwater Wetlands Permit.

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-06 – Kenney – Block 27, Lot 6 – Minor Subdivision** with the following correction

Page 6 - shaving be changed to” having”

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by T. Siano, seconded by D. Haywood and carried to adopt Resolution No. 2007-07 – Lazarek – Block 8, Lot 7.01 – Minor Subdivision with the following correction:

Page 6 - shaving be changed to” having”

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by T. Siano, seconded by D. Haywood and carried to adopt **Resolution No. 2007-08 – DeCroce – Block 26, Lot 22 – Minor Subdivision** with the following correction:

Page 5 - shaving be changed to” having”

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-09 – Tumble Partners – Block 32, Lot 11.02 – Minor Subdivision.**

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-10 – Penn Jersey – Block 15, Lot 8.05 – Site Plan** with the following correction:

Page 7 - shaving be changed to” having”

ROLL CALL VOTE: **AYE** – D. Haywood, J. Mathieu, T. Siano
 NAY - None
 ABSTAIN – None
 ABSENT – J. Strasser

PROFESSIONAL APPOINTMENTS

Engineer

It was moved by W. Kastning, seconded by R. Dodds and carried to designate Gilmore and Associates, Thomas R. Decker, Engineer, as the Planning Board Engineer for 2007. All members present voted **AYE** on **ROLL CALL VOTE.**

Attorney

It was moved by T. Siano, seconded by D. Haywood and carried to designate Lindabury, McCormick, Estabrook and Cooper as the Planning Board Attorney for 2007. All members present voted **AYE** on **ROLL CALL VOTE**, except W. Kastning, who **ABSTAINED.**

J. Strasser entered the meeting at 7:50 PM

W. Kastning recused himself from the following matter.

Mergott – Block 40, Lot 24 – Conceptual Review

A. Mergott stated she is seeking a subdivision of a 6 acre lot off of a 200 acre preserved farm. 12 acres of the farm were excluded from preservation.

C. Bauerlein, A. Mergott’s father, requested the Board allow his daughter to utilize the existing drive and not require her to create a new one. Creating a driveway for her lot would require the disturbance of approximately a 40’ swath through the woods. The current driveway also provides a better site easement for ingress and egress.

D. Pierce stated the applicant has to demonstrate the use as the access exists. The engineer will have to review and determine if the current driveway deals with run off and all the other issues relating to safe access for that property. He further stated, to the Mergotts, as the owner of the new lot, they would have the same rights to use that driveway. The question becomes, as a matter for the planning board to approve the application, if it complies with the Township Ordinances. The applicants are proposing an access that is different than is required under the ordinance.

J. Mergott indicated he would not want to remove the trees for the construction of a driveway.

R. Dodds stated he is concerned, if for any reason the property should change hands down the road, it is the pleasure of Green Acres that you are crossing their easement. The owner would then be locked out of the property until a new driveway is built.

D. Pierce summarized the matter by stating the application appears to comply in the terms of the bulk requirements of the ordinance. The conservation easement does provide for the right to use the existing driveway and to subdivide the 12 acre parcel. The only issue is why the Board should be allow the applicants to use the existing driveway and not be required to put a new driveway in the flag stem. The Board can request the applicant provide a letter from the DEP clarifying that the DEP understands this is permitted under the conservation deed. In the application plat, the applicant should continue to show the stem, which will allow them to have the frontage required under the ordinance. The applicant needs to show a little more detail on the existing driveway.

S. McNichol stated she is on the Environmental Commission and requested permission to review the wetlands on the property. J. Mergott inquired if she knew when. S. McNichol responded prior to the application being heard by the Planning Board.

Request for Extension of Time – Trstensky – Block 24, Lot 13.09 & 13.10

D. Laudenbach stated H. Trstensky is requesting an extension of time due to additional requirements by the DEP.

It was moved by D. Haywood, seconded by T. Siano and carried to grant a 60 day extension of time to file. All members present voted **AYE** on **ROLL CALL VOTE**.

Well Water Ordinance

A. Hauck was present to provide an update to the Board members on the Well Water Ordinance. He stated the subcommittee is working diligently to get a draft to the Planning Board. He stated there is a need for a back up of information. The County does not have a back up and if they have a fire or something, the data is lost. P. Althoff provided the subcommittee with a draft ordinance and the subcommittee worked on it and provided their version to D. Pierce. D. Pierce had some comments. D. Pierce's comments were reviewed at last night's meeting of the subcommittee. T. Kratzer is working on a draft ordinance.

After some additional discussion, A. Hauck was instructed to obtain resumes from hydrologist and be prepared to discuss at the January 30th meeting.

J. Mathieu left the meeting.

D. Pierce stated every property owner has the right to use the resource. The two acre lots created twenty years ago and if those wells go dry or unusable, it is really fair to impose on the municipality the repair or replenishment obligation.

W. Kastning suggested the ordinance should be rewritten to address quantity as well as quality. D. Pierce responded the ordinance has a section that requires all new wells to undergo quality testing and perform satisfactorily. W. Kastning stated the well might be tested prior to the installation and use of the septic system but might not test well in the future. The ordinance has to cover all bases.

J. Mathieu returned to the meeting.

J. Mathieu inquired if the Planning Board will have jurisdiction on the well water ordinance. D. Pierce responded it will have to be worked on in conjunction with the Board of Health. The Board of Health adopted the well ordinance and the quality criteria would have to be applied by the Board of Health. The quantity on supply would be a zoning ordinance requirement of the general ordinances of the township. The procedure he suggested is that the Township Committee introduce an ordinance and the Board of Health issue a repeal of the current well water ordinance because the new ordinance by the Township Committee would deal with the issues. The requirement for the quantity and adequacy of supply would be on all subdivisions, subject to any exemptions. A. Hauck stated the subcommittee is prepared to draft an ordinance and present it to the Township Committee.

D. Pierce stated the Planning Board has not retained P. Althoff on any basis. She asked him about her services for 2007 because there was activity of Equestrian Village. He informed her she should cover the activity. It is the Board's prerogative to retain P. Althoff on a project basis, month to month basis or hire a new hydrogeologist. The Board should take action this evening to authorize P. Althoff to administer and fill in until a new hydrogeologist has been retained to administer the existing well tests.

A. Hauck was authorized to have the subcommittee request proposals from hydrogeologists with the scope of services and series of prices indicated on the proposals.

J. Mathieu stated the well ordinance should go beyond the testing for subdivisions. The well ordinance and finding of water should play a key role when the Board reviews the zoning in the Township. The well ordinance needs to be defensible. One of the criteria should be to coordinate all the information.

R. Dodds was concerned about the delay in the hiring of a hydrogeologist if the matter has to wait for another meeting.

CORRESPONDENCE

J. Mathieu reviewed as per the agenda.

Market Street Inc – Well Testing - D. Pierce stated he received a copy of the response to the letter from F. Wisniewski. F. Wisniewski responded he believes that Market Street Inc. is not the record owner of the lot but A. Kursinski is the owner. He also responded saying he believed his client complied with the Planning Board requirements and the testing would be eligible for reimbursement. D. Pierce was requested to respond to Market Street Inc's letter.

Hunterdon County Planning Board – Information Session on Highlands Council – M. Knapp will be attending through Bethlehem Township.

NJPO Official Ballot;

2007 NJPO Winter-Spring Mandatory Training Program – D. Pierce stated the DCA has specific requirements for the training of the Board members. It would be possible for T. Decker, D. Pierce and D. Banisch to design a program complying with the DCA requirements and hold it at the municipal building.

DEP – Idling Reduction Guideline;

Delaware Township – Addenda to Township Master Plan;

Township of Lebanon – Revision to 2004 Preliminary State Plan Map;

The Regional Planning Partnership – Reports;

NJ Future – Smart Growth Awards.

PRIVILEGE OF THE FLOOR

Heritage Consulting & Penelope Althoff

D. Pierce stated the Board should take action to retain P. Althoff on a limited basis and R. Lorentz for previously approved minor subdivision applications. The Board is not permitted to charge the applicant for the time necessary for T. Decker to become familiar with the applications.

It was moved by J. Stasser, seconded by D. Haywood and carried to authorize P. Althoff to provide hydrogeological services to the Board and the Township for the purposes of evaluating the compliance of applications with the existing well ordinance, to review and certify the water quality testing required before a Certificate of Occupancy can be issued. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by D. Haywood, seconded by J. Strasser and carried to authorize R. Lorentz for the purpose of engineering review, administration of existing approved minor subdivisions and the release of the deeds for recording at the previously established rates. All members present voted **AYE** on **ROLL CALL VOTE**.

Attorney Appointment

W. Kastning stated he earlier chose to abstain on the vote for Board attorney feeling it was presumptuous of the prior Planning Board to appoint a professional for the succeeding year. D. Pierce responded he suggested to the prior board to wait to appoint the professionals.

Farmland Preservation Plan

D. Pierce stated the State Agricultural Committee is proposing new rules for the Farmland Preservation Program with the towns to participate in cost sharing. The Farmland Preservation Element to the Master Plan will be critical when the Township moves towards the Planning Incentive monies to preserve the farmland. The Element should be done in conjunction with the Agricultural Advisory Committee.

Plat

S. McNichol inquired if the number of plats required to be submitted with a subdivision could be increased by four copies for the Environmental Commission.

After some discussion, it was decided to request five additional copies of the plat. The Board also discussed the applications being presented in "PDF" file and projected. The Board felt an applicant should provide an AUTOCAD copy as well as a copy in "PDF" format.

Well Water Committee

A. Hauck stated the original subcommittee's members were J. MacConnell, A. Hauck, T. Kratzer, J. Lutz, J. Abel, J. Harabedian and D. Haywood. Since three members were not reappointed to their seats on the Planning Board, it would be appropriate to appoint two other members.

It was moved by W. Kastning, seconded by R. Dodds and carried to appoint J. Burke and L. Senus to the Well Water subcommittee. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Burke, who **ABSTAINED**.

Master Plan

After some discussion, it was moved by E. Niemann, seconded by W. Kastning and carried to authorize the Township Clerk to have the Master Plan scanned and copied onto a disk. All members present voted **AYE**.

Work session Meeting

The Board decided to schedule a Work session meeting for Tuesday, January 30th beginning at 8:00 PM.

ADJOURNMENT

All members in favor of adjourning at 9:45 PM.

Respectfully submitted,

Diane Laudenschick, Secretary