

**MINUTES**

**PRESENT:** J. Burke  
R. Dodds  
D. Haywood  
W. Kastning  
J. Mathieu  
S. McNichol  
E. Niemann  
T. Siano  
J. Strasser  
M. Knapp, Alt. #1  
T. Decker, Engineer  
D. Pierce, Attorney  
D. Banisch, Planner

**CALL TO ORDER**

The meeting was called to order at 8:00 PM by J. Mathieu.

**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**

J. Burke stated the composition of the Planning Board has been inappropriate by not containing the correct types of members. The changes are L. Senus, Alternate #2 will be requested to tender her resignation and be replaced by S. McNichol and T. Kratzer, Board of Health member, will replace S. McNichol as a Class II member.

The Board members and professionals introduced themselves.

Well Study Group Report and Hydrologist Recommendations

T. Kratzer provided the Board with a memorandum of the Well Ordinance mission. The memorandum is a summary of the conditions in Kingwood, the groundwater supply and some of the various aspects a well ordinance should contain. He also stated the Township should consider a septic ordinance as well. Both the quantity and quality of water should be addressed. The procedures for pump and aquifer testing need to be

reviewed. Pump testing is for a small amount of water usage. An aquifer test looks at the regional scale of water supply and what type of potential effects pumping from a larger development would have on the water supply. The Township requires an interference test which tells if there is any impact or affect to existing wells in the vicinity of the new wells. The well ordinance needs to address the fees necessary to cover the Township expenses and reviews. In regard to a community water system, the state has a limitation on how much extra water can be extracted from a well. The Township should design a township-wide groundwater monitoring system which will indicate the trends in the ground water supply and bring into play a drought water notification system. It will indicate the seasonality of ground water and if it fluctuates. The Right to Farm Act has exemptions for most normal farm operations but it is not well defined. The County Agricultural Board can provide the Township with a better definition of water uses for agricultural practices. A nitrate dilution model is a factor to see how much recharge there is in the area. An acceptable level of nitrate dilution needs to be determined. In the Highlands, it is three milligrams per liter. Ten milligrams per liter is the cutoff for nitrate dilution.

D. Pierce stated he has done some research in the rights of the use of groundwater. The groundwater is not owned by the property owner but is a public right to the reasonable use of the groundwater under their property. He doesn't feel a blanket prohibition on watering lawns or such would be enforceable. Some restrictions on seasonality and low water availability that show or tend to demonstrate there are identifiable health and public safety concerns would be allowed in the ordinance. The Township can and should prohibit a developer from drilling one well and supplying sixty houses. Any public or quasi-public water supply is a utility and a service authorization area by the Township would be required.

After hearing the comments from the Board this evening, A. Hauck stated he would like to have the input of the new hydrologist and an opportunity to refine the draft. He should be able to have a draft for the second meeting in February for the Planning Board. The Board suggested A. Hauck contact the planner and engineer for input as well.

D. Banisch stated the town is zoned in a conservative way so there is not much of a concern for nitrate dilution. The septic ordinance should be geared more towards regular maintenance to ensure properly functioning septic systems.

D. Banisch stated the larger issue is the Master Plan Elements should be updated. The Board should start with the Goals and Objectives and then the elements that follow.

J. Burke stated the seven acre zoning was recently challenged and the Township had to settle for smaller lots. It is an immediate problem.

R. Dodds stated the definition of a minor subdivision is so wide. The majority of the development in the Township is two acre lots.

T. Kratzer explained the nitrate dilution model. It originated in the Pinelands and it looks at the ten milligrams per liter or less for drinking water purposes. It reviews precipitation and infiltration rates, based on rainfall or nearby streams. It determines how much water is available from the groundwater supply system that would allow you to withdraw and still maintain the ten milligrams per liter. It is a large decision to determine the level allowable. D. Banisch stated ten parts per liter is planning for contamination, no more than five parts per liter should be allowed.

A. Hauck stated V. Uhl has presented to the Board his credentials. V. Uhl wrote the Well Water Ordinance in M. Karrow's tool box. A. Hauck reviewed his charges.

After additional discussion, A. Hauck was instructed to provide a draft ordinance to the planner and engineer. A report at the next work session meeting indicating their comments should be submitted. After a review of their comments, the Board will decide if they want to have the hydrologist do a final review.

#### Master Plan/Zoning Review

D. Banisch stated the Board has talked about very central issues, such as a nitrate dilution model, the justification for the required lot sizes, in conjunction with the well ordinance and a defensible minimum lot size. Carrying capacity is a very important factor in a planning parameter. Other planning objectives are natural resources, community development objections and the maintenance of rural character. The ordinance adopted in the early part of 2006 attempted to take recommendations from the Re-examination report. There was no full review of the Master Plan. They did not prepare a Conservation Plan Element which would have inventoried the natural resources of the Township. The Conservation Plan Element would specify how the natural resources should be protected.

The Land Use Element takes into consideration other land use planning objectives. It is the single focus on which your zoning is based. There are other Elements that are very important and should be prepared. The Board should update the Goals and Objectives, prepare a Conservation Element Plan and then a Land Use Plan Element that respects the prior two. The zoning map is similar to your Land Use Plan and is usually identical. The two fundamental elements of the Master Plan are the Statement of Goals and Objectives and the Land Use Plan Element. The Housing Plan Element will have to be modified to reflect the current court case but new rules have to be adopted by COAH in order for it to be modified. D. Pierce reviewed all the elements a Master Plan can contain. D. Banisch will prepare a memo discussing each Plan Element in detail.

#### Farmland Element for Master Plan

D. Pierce stated the Farmland Element should be one of the initial focuses of the Planning Board so that it may apply for grants.

W. Kastning stated most municipalities fail to recognize the value of the Circulation Plan Element.

D. Banish responded there are standards in regard to what kind of capacity a road can sustain.

J. Mathieu stated when the Board worked on the Re-examination report the last time, there was a subcommittee appointed to work on it. D. Banisch commented the subcommittee met and came back with a draft for the Board. D. Banisch stated Kingwood has done a lot of useful planning, of which some is out of date. There have been changes in thinking and regulatory environment.

W. Kastning questioned about the Township's official map. D. Banisch responded it is referenced in the Municipal Land Use Law (MLUL). There is a reservation provision in the MLUL. By having an official map, areas can be reserved up to a year and can be excepted out of a development. The developer would have to construct the roads impacted by the development. The official map and the zoning map are different. Each Element of the Plan would have a series of maps incorporated into them which identify the different objectives. He has never seen an official map adopted by a Township.

J. Burke suggested each member think about their goals and objectives of their vision of Kingwood Township. W. Kastning suggested examples be provided from some communities similar to Kingwood with their goals and objectives. D. Banisch will provide the requested information.

R. Dodds stated there are approximately 20 elements mentioned this evening. He inquired what were the top three or four important areas to be reviewed?

Forming a subcommittee, with a possible rotating membership, to review the different elements of the Master Plan was discussed. There was also a suggestion, in regard to a subcommittee, to allow public input into the review.

J. Mathieu stated a subcommittee should be formed for design standards. The subcommittee would deal with items such as detention basins, conservation easements, drainage easements etc. on development applications. T. Decker would provide his suggestions to the subcommittee.

T. Decker suggested the Planning Board consider amendments to their ordinances to deal with fire tanks, septic testing for subdivisions and buffering between residential and commercial areas.

J. Burke stated he would prefer if D. Banish presented the perfect Goals and Objectives to the entire Board. D. Banisch will be providing some ordinances from other communities to review.

J. Mathieu expressed his concern in regard to applications coming before the Board and requiring several conditions as part of the approval. He also would like to see sufficient copies of the checklist be provided with the application for distribution to the Board members. D. Banisch recommended a completeness determined by the engineer should be provided and the Board hold a completeness hearing on an application.

D. Pierce stated the completeness review is the only criteria that can be evaluated for a completeness determination. The Board is not permitted to look at the substance of the submission for completeness. Once the matter is heard, then the substance of the submission is reviewed. The review of the application should not be made on some smaller group of the Board to review. It is every Board members obligation to review the application. J. Mathieu stated the Board can review the checklist and completeness report from the engineer as a first step and see if it works for the Board. D. Pierce stated the Board can adopt a policy requiring the engineer to prepare a written completeness review for each application, minor or major. It can be very detailed and review each checklist items and identify any deficiencies. Some of the more general reports can be distributed to the Board members with the application.

D. Pierce has prepared a draft ordinance providing for a fire tank requirement, update to the checklist, electronic submission and additional number of reports for the entire Board membership. T. Decker suggested an electronic plot of the property after final approval. It will help his office when the tax maps are updated. D. Banisch suggested the Board can allow a single lot exception. D. Pierce suggested a waiver should not be allowed but require the entire plat be in a "pdf" format.

T. Decker recommended having the Master Plan in place so that the ordinance the Board is proposing is in agreement with the Master Plan. There was a suggestion of a subcommittee on design standards. He would like to meet with them and find out what the issues were on recent applications, put a punch list together and prioritize.

J. Mathieu stated the Design Standards Committee members will be J. Strasser, T. Siano, D. Haywood and M. Knapp. J. Strasser will chair the Committee.

**Special Meeting Dates**

The Board decided to schedule work session meetings for the last Tuesday of the month through June, 2007.

R. Dodds presented a display that is available so the public can view the subject property of the application.

**ADJOURNMENT**

The meeting was adjourned at 10:33 PM.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**