

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood
W. Kastning
J. Mathieu
E. Niemann
T. Siano
J. Strasser
S. McNicol, Alt. #1
A. Clerico, Planner
D. Pierce, Attorney
T. Decker, Engineer

ABSENT: M. Knapp, Alt. #2
T. Kratzer

CALL TO ORDER

The meeting was called to order by J. Mathieu 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 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 J. Strasser, seconded by T. Siano and carried to approve the minutes of February 13, 2007 and place on file with the following correction:

Page 3 – last sentence “new methodology or something to determine obligation”.

It was moved by D. Haywood, seconded by W. Kastning and carried to approve the minutes of February 27, 2007. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Siano and S. McNicol who **ABSTAINED**.

Resolutions

It was moved by D. Haywood, seconded by T. Siano and carried to adopt **Resolution No. 2007-12, Perrotti, Block 7, Lot 14.10, Extension of Time to File**. All members present voted **AYE** on **ROLL CALL VOTE**, except W. Kastning, who was **INELIGIBLE**.

Applications

Block 14, Lot 39, Fairview Road, Schick – Request for Extension to File.

C. Schick was present this evening to request an extension of time to file the deeds. He is seeking approval of the transition area from the DEP.

W. Kastning suggested, in the future, the Board request the dates of submission from the applicants to the approving agencies to determine if the applicants have been remiss in submitting their application.

C. Schick responded he submitted his application to the DEP in July of 2006 and has provided a copy to the Planning Board.

It was moved by D. Haywood, seconded by S. McNicol and carried to grant a 190 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Block 5, Lot 6 (G. DeSapio) and Block 6, Lot 9 (J. DeSapio)

G. DeSapio, attorney and representing J. DeSapio, was present to request extensions of time on the above applications. In regard to Block 5, Lot 6, R. Lorentz had found an error on the survey and G. DeSapio has submitted revised deeds and survey plats today to correct the error. In reviewing the legal descriptions for Block 6, Lot 9, the survey did not make the easements clear. One of the easements is to gain access to the rear of the two lots for the purposes of reaching the farm fields. There is no intent to build houses nor have perc tests been taken. He has prepared driveway easements and three revised deeds based upon the new descriptions. He is requesting an extension of time of one week after the professionals sign off on the revised documentation.

D. Pierce stated there is no deviation from the plan that was approved by the Board last year. R. Lorentz noticed, on Block 5, Lot 6, an error in the descriptions. The changes being made are to conform the descriptions to the plat.

It was moved by J. Strasser, seconded by D. Haywood and carried to grant a 60 day extension of time to file the deeds for Block 5, Lot 6. All members present voted **AYE** on **ROLL CALL VOTE**, except R. Dodds and S. McNicol, who **ABSTAINED**.

It was moved by D. Haywood, seconded by T. Siano and carried to grant a 60 day extension of time to file the deeds for Block 6, Lot 9. All members present voted **AYE** on **ROLL CALL VOTE**, except R. Dodds, W. Kastning and S. McNicol, who **ABSTAINED**.

Master Plan Goals and Objectives

A. Clerico from Banisch & Associates was present to discuss the following Master Plan Goals and Objectives prepared by her firm:

Introduction

Located in western Hunterdon County and along the Delaware River, Kingwood Township was originally established around 1746 when it was separated from Bethlehem Township. Its present boundaries were established when Franklin was separated off in 1845 and when part was given to the Borough of Frenchtown in 1876. Kingwood Township is 35.7 square miles in area with a population of about 3,895¹.

Kingwood's terrain is characterized by an expansive plateau of farmland, rolling hills of farms and forests, winding, narrow rural roads and rock outcroppings along Route 29 that create the serene setting for the Township in the midst of suburbanizing communities in western Hunterdon County. Since the last comprehensive revision of the Master Plan in 1973, Kingwood Township's landscape has remained much the same. With this update of the Master Plan, Kingwood Township seeks to retain its rural identity, protect natural resources while providing the quality of life sought by its residents, now and into the future.

The Kingwood Township Planning Board initiated this update of the Master Plan at the outset of 2007. This Master Plan statement of goals and objectives is informed by past planning efforts and is updated to reflect natural resource and agricultural protection; and the preservation of rural character as the fundamental underpinnings of the Master Plan. Kingwood is historically an agricultural community and through this master plan the Township seeks to update local land use policies that will serve to maintain Kingwood's agricultural landscape and natural resource base.

The Kingwood Township Planning Board adopted the most recent Periodic Reexamination report on December 14, 2004. Prior to its adoption, a Land Use Plan was adopted for Route 12 and the Barbertown area in 1993. The Planning Board adopted the 1998, 1992, 1988, and 1986 Periodic Reexamination reports in accordance with N.J.S.A. 40:55D-89. During that period, the Planning Board adopted a Housing Plan Element in 1987 and amended the Land Use Plan in 1988.

This update of the Master Plan sets out to define a formal Statement of Goals and Objectives in accordance with the Municipal Land Use Law upon which the subsequent proposals for the physical, economic and social development of the Township are based. The optional elements of the Master Plan will be prepared in a multiyear, phased approach, commencing with the Conservation Plan Element, Utility Services Plan Element, and Circulation Plan Element. The Land Use Plan Element, one of the required elements under the Municipal Land Use Law, which grants the municipality the authority to zone, will be the last Master Plan element to be updated.

Goals and Objectives

Through the statement of objectives, principles, assumptions, policies and standards, the Planning Board articulates the vision for the future development of the municipality. This vision builds upon what has come before, incorporates these conditions, and expresses what the Township wants to be in the future.

¹ County of Hunterdon website. www.co.hunterdon.nj.us/mun/kingwood.htm

The statement of purposes of the Municipal Land Use Law (MLUL) articulates the objectives of the State in providing municipalities with the power to plan and zone. These purposes of the enabling legislation combine with detailed local goals and objectives to guide the development of the Master Plan. The purposes of the Municipal Land Use Law (*N.J.S.A. 40:55D-2*) are as follows:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and manmade disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy sources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

In addition to the MLUL purposes, and the goals of rural conservation and agricultural protection outlined above in the Introduction, the objectives of the 1973 Master Plan are updated and expanded in this Master Plan in a format that sets forth a clear statement for land use planning in the municipality. The statement of objectives is the fundamental component that guides the Planning Board's development of policies, strategies and standards.

The Municipal Land Use Law provides for the following at “N.J.S.A. 40:55D-28. Preparation; contents; modification. a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to *guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare*. b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, . . . (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based; . . .”

The following list is Kingwood Township’s statement of Master Plan goals and objectives:

Land Use and Management

- To establish conservative land use policies to preserve Kingwood Township’s rural character, and protect the Township’s natural resources.
- To offer flexibility in development techniques which recognize new approaches and technologies responsive to evolving demographic and economic needs; and the Township’s natural resource and environmental protection objectives.
- To establish and maintain land use policies that permit controlled development at suitable locations and appropriate intensities, patterns and arrangements by discouraging the extension of growth-inducing infrastructure into rural areas.
- To establish development densities and intensities at levels consistent with the Township’s agricultural goals, the natural terrain, the estimated supply of groundwater resources and the ability of the soil to sustain on-lot sewage disposal systems while maintaining ground water quality.
- To develop low-density design options for development so that the rural character is maintained, fewer roads need be constructed and maintained, the boundaries between housing and agricultural activities are kept to a minimum, the amount of undeveloped ground is maximized to encourage ground water recharge, and the threat to septic contamination of the ground water is minimized.
- To minimize conflicts between non-agricultural and agricultural uses by providing flexible development techniques for single-family, low-density housing, with options for preserving large portions of the property.
- To encourage commercial development that services the needs of this rural, agricultural community.
- To promote cooperation with neighboring municipalities in the region, particularly the City of Frenchtown and the Townships of Alexandria, Franklin and Delaware, to advance consistent development and open space goals, policies and plans.
- To promote the goals and objectives of Kingwood Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes of the State Development and Redevelopment Plan and the Hunterdon County Master Plan.

Community Design

- To provide for a proactive approach to physical design and community planning so that adjacent land uses function compatibly and harmoniously in terms of scale and location.
- To maintain the rural character of Kingwood Township using design options such as minimizing impervious cover, protecting open space, and encouraging agricultural uses.
- To enhance the rural character of the Township by maintaining Kingwood’s narrow, winding roads and including areas influenced by the rugged terrain.

Natural Resources

- To relate the intensity of development, in areas relying on groundwater supplies and on-site sewage disposal, to conservative estimates of available water resources and the ability of the soil and ground water to sustain on-lot disposal systems without degrading or impairing the water quality.
- To develop criteria for flexible zoning such as lot size averaging and large lots to protect and minimize encroachment of critical areas.
- To establish a steep slope conservation area to protect severe topographic areas, such as areas along Route 29 where larger lots are expected to be maintained as a result of rock conditions and steep slopes.
- To deter development on steep slopes, wherever they occur in order to protect existing natural systems and to prevent soil erosion and degradation of surface water quality.
- To ensure long-term ground water quality and quantity through low density residential zoning.
- To identify and manage stream corridor buffer areas by maintaining undisturbed vegetation and to maintain and improve water quality, wildlife corridors and opportunities for passive and active recreation.

Housing

- To provide for a variety of housing types which respond to the needs of households of varying size, age, and income, persons with disabilities and emerging demographic characteristics.
- To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas that may be served by public transportation which connect to areas of employment.

Agriculture

- To encourage the preservation of agriculture through proactive planning where there are suitable conditions for the continued operation and maintenance of agricultural uses.
- To recognize agriculture as a significant economic industry in the community and to encourage economic opportunities in this industry.
- To preserve large contiguous tracts of land on the plateau and in the more rugged terrain to assure that agriculture remains a viable, permanent land use.
- To encourage compatibility between agricultural operations and neighboring non-agricultural development through the state Right-To-Farm Act and through regulating density, pattern and arrangement of non-agricultural housing.
- To develop a relationship between the agricultural and non-agricultural community by providing designated areas for horseback riding or other recreational trails.
- To manage the pattern and arrangement of permitted development so that productive and potentially productive agricultural areas and agricultural soils remain consolidated into large contiguous masses of land, uninterrupted by non-agricultural land uses.

Circulation

- To develop design criteria for development along arterial and collector streets so as to avoid strip residential frontage development and an uncontrolled number of driveway access points.
- To utilize low-impact design strategies, including minimized pavement widths and minimal curbing; and to maintain the Township's road network of narrow rural roads that establish and reinforce Kingwood's rural character.
- To discourage and prevent changes to the rural road network that may serve to accommodate increased traffic volumes along the Township's rural lanes serving agricultural areas.

- To program limited development in rural areas so that traffic will not exceed the capacity of the existing rural road network to provide safe, efficient and convenient traffic movements during peak traffic periods.
- To recognize that roadways are public lands that deserve aesthetic design consideration as well as efficient movement of vehicles, and to carefully plan the gateway entrances to the Township because they represent a visitor's first impression of the Township.
- To minimize the impacts of transportation systems on the environment, including air and noise pollution.
- To identify road standards which merit special consideration for rural areas.
- To encourage transportation funding for maintenance of existing system, rather than encouraging new systems in rural areas.

Economic Development

- To encourage appropriate commercial uses for Kingwood Township such as local convenience commercial services in the villages and a few highway-related uses along Route 12 with low floor area ratios.
- To target any new commercial activity to the rural, agricultural nature of the community.

Historic and Cultural Resources

- To safeguard the heritage of the Township by preserving those resources that have historic, archaeological, scenic, social, cultural, economic and architectural significance, based on national, state and local importance and criteria.
- To discourage encroachment on historic structures and sites by uses and buildings that are incompatible or detract in design.

Community Facilities and Utilities

- To plan for the expansion of necessary public services, such as utilities, community facilities and recreation, at a reasonable cost in response to the proposals in the land use plan element.
- To establish a system whereby necessary capital improvements can be programmed and planned in advance, and land can be reserved to meet the future needs for community facilities and open space.

Recreation and Open Space

- To promote the provision of appropriate and balanced public open space and recreational facilities through public action and the development review process.
- To prepare and maintain recreation and open space master plans to establish and enhance recreational lands and public open space; to establish linkages of public spaces through the use of greenways, greenbelts, waterways, paths and bikeways; and, to establish as the highest priority for public acquisition, areas of critical recreational, scenic or environmental value.

After a lengthy discussion, the following changes were requested to the Master Plan Goals and Objectives:

- **Introduction, par. 2** – added “agricultural and historic” to last sentence.
- **Introduction, par. 5** – Changed last sentence to read “The optional elements of the Master Plan will be prepared in a multiyear, phased approach, commencing with the Conservation Plan Element, Utility Services Plan Element, and Circulation Plan Element, and the Land Use Plan Element, one of the required elements under the Municipal Land Use Law.”
- **Land Use and Management, bullet 1** – added “agricultural and historic”

- **Land Use and Management, bullet 5** – changed to read “To develop low-density design options for development to maintain rural character, minimize new road construction and maintenance, maximize ground water recharge, and minimize the threat to septic contamination of the ground water.”
- **Natural Resources, added bullet 1** - “To protect sensitive environmental resources from destruction or degradation, including but not limited to steep slopes, ridgelines, trout streams, wetlands, stream corridors, potable water supplies, watersheds, aquifers, rivers, viewsheds, forests and other vegetation, soils, habitats of threatened and endangered species and unique natural systems.”
- **Natural Resources, bullet 4** – changed to read “To identify steep slopes and establish steep slope criteria in order to protect severe topographic areas, such as areas along Route 29 where larger lots are expected to be maintained as a result of rock conditions and steep slopes.”
- **Agriculture, bullet 3** – deleted “on the plateau and in the more rugged terrain”.
- **Agriculture, bullet 5** – changed to read “To develop a relationship between the agricultural and non-agricultural community by encouraging designated areas for horseback riding, passive recreational trails, and other trails prohibiting motorized vehicle use.”
- **Agriculture, added bullet 7** – “To encourage clustered housing so as to protect healthy farmland soils.”
- **Economic Development, bullet 2** – changed to read “To encourage any new commercial activity to serve the rural, agricultural nature of the community.”

A. Clerico will provide a revised copy with the changes for the March 27, 2007 meeting.

ANJEC Grant

A. Clerico stated she will provide a copy of the grant to the Board members a week before the March 27th meeting. The deadline is March 31, 2007.

J. Mathieu indicated the Township can receive \$29,000 from the County Open Space funds. The funds can be used for eligible elements of the Master Plan. It might possibly be utilized in case we are not awarded the ANJEC Grant.

Proposed Ordinance No. 14-05-2007

It was moved by S. McNicol, seconded by R. Dodds and carried to recommend adoption of Ordinance No. 14-05-2007 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

Escrow Fees

As a result of last month's meeting, the secretary provided the costs to the applicants, for several subdivisions which have been before the Board. After a brief discussion, it was decided to increase the fees to \$500.00 per lot.

It was moved by J. Strasser, seconded by D. Haywood and carried to increase the subdivision escrow fees to \$500.00 per lot for the initial deposit for a new application. All members present voted **AYE** on **ROLL CALL VOTE**.

Gilmore & Associates, Inc. Review of Draft “Non-Public Water Systems and Wells” ordinance

D. Pierce indicated it is a review memorandum T. Decker’s firm did on the well ordinance. They have an in-house hydrogeologist and he reviewed the Well Ordinance for any items that might be challenged or advantageous to a developer.

Hydrogeologist Scope of Services

D. Pierce has prepared the following:

SCOPE OF SERVICES**KINGWOOD TOWNSHIP PLANNING BOARD HYDROGEOLOGIST**

The hydrogeologist retained to serve in a professional capacity for the Kingwood Township Planning Board will be responsible for performing the following services and functions:

- Review of subdivision and site plan applications in conjunction with administration of well test requirements;
- Review and approval of aquifer test plans, including the designation of off-site wells to be included in the tests as observation wells;
- Witnessing of aquifer and well testing conducted by applicants;
- Review and approval of aquifer and well test results;
- Attendance at all Planning Board meetings where development applications for which the hydrogeologist has performed services is listed on the agenda unless advised that such attendance is not required;
- Preparation and presentation of reports to the Planning Board on the results of aquifer and well testing, including opinions as to the capacity of the aquifer to support the development proposed, the nature and degree of interference with existing wells, and the quality of the water;
- Review and approval of claims for reimbursement for well monitoring costs;
- Review and approval of claims for rehabilitation or replacement of wells claimed to have been rendered unusable by new development
- Advice and assistance to the Planning Board, when requested, in the preparation, review and revision of Master Plan Elements and development ordinances relating to water supply and water resources and the preparation and/or assemblage of supporting background documentation;
- Conduct, when requested by the Planning Board, of investigations and studies of water supply and resources in Kingwood Township;

- Expert testimony, when requested by the Planning Board, in support of Planning Board actions which are being appealed and/or in support of Master Plan Elements and development ordinances relating to water supply and water resources that are the subject of a legal challenge

It was moved by R. Haywood, seconded by R. Dodds and carried to amend the Scope of Services by adding:

Such other and further services as may be mutually agreed upon by the Planning Board and the hydrogeologist.

and forward it to V. Uhl. All members present voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

Rutgers Manual – “Clear Guidance for Planning and Zoning Board Members”

Secretary was instructed to order a copy.

Delaware River Community Survey;
2007 Hunterdon County Allocation of Open Space Trust Funds Municipal Grant Program;
Delaware Township Land Use Ordinance #2007-05LU;
ANJEC Smart Growth Planning Assistance Grant Program Application;
Regional Planning Partnership Report;
Municipal Land Use Center News;
American Planning Association Conference, April 14th-18th, 2007;

Design Standards Committee

J. Strasser stated one of the members of the subcommittee has resigned. R. Dodds volunteered.

OTHER MATTERS

E. Niemann commented on the article in the ANJEC publication in regard to a Conservation Element of the Master Plan and what contributed to their defending the litigation.

Survey

S. McNicol encouraged the Board members to complete the questionnaire provided by the College of NJ.

Agricultural Summit

L. Schmid stated she will provide to the Board suggestions for a new Farmland Element for the Township’s existing PIG applications. She will provide a copy for the work session.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by D. Haywood, seconded by R. Dodds and carried to adjourn the meeting at 9:59 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Respectfully submitted,

Diane Laudenbach, Secretary