

**MINUTES**

**PRESENT:** J. Burke  
R. Dodds  
D. Haywood  
W. Kastning  
T. Kratzer  
J. Mathieu  
E. Niemann  
T. Siano  
S. McNicol, Alt. #1  
L. Senus, Alt. #2  
A. Clerico, Planner  
T. Decker, Engineer  
D. Pierce, Attorney

**ABSENT:** J. Strasser

**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.

**ROLL CALL**

**NEW AND PENDING MATTERS**

*Approval of Minutes*

It was moved by W. Kastning, seconded by R. Dodds and carried to approve the minutes of April 10, 2007 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu and E. Niemann, who abstained.

***Proposed Ordinance No. 14-12-2007 - AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “CHAPTER 114 – STEEP SLOPE CONSERVATION” AND “CHAPTER 115 – SUBDIVISION OF LAND” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.***

D. Pierce stated the proposed ordinance originated from the Planning Board. It is being presented for a formal recommendation of adoption to the Township Committee.

It was moved by D. Haywood, seconded by W. Kastning and carried to recommend adoption of proposed Ordinance No. 14-12-2007, pending the review and comments of the planner. All members present voted **AYE** on **ROLL CALL VOTE**.

### *Applications*

*L. Senus and W. Kastning recused themselves from their positions on the Board for the following matter.*

Trstensky – Block 24, Lot 13 – Kingwood Locktown Road – Request for Extension of Time to File

D. Pierce stated the applicant is requesting a 190 day extension of time to file the deeds.

Some Board members expressed their concern in the request for an extension of time to file the deeds without supporting documentation or presence of applicant. D. Pierce responded the Board can decide to take action based upon the letter or the Board can request to have the applicant present or provide supporting documentation before acting on the request.

It was moved by T. Siano, seconded by J. Burke and carried to grant a 190 day extension of time to file the deeds for the above referenced application. All members present voted **AYE** on **ROLL CALL VOTE**.

*L. Senus and W. Kastning resumed their seats on the board.*

Smith – Block 37, Lot 9 – Federal Twist Road – Request for Extension of Time to File

P. Smith was present this evening for his request. His request for an extension is in case the County is backlogged into the middle of June in recording his deeds. D. Pierce responded it is the County's practice to stamp the deeds as received on the day submitted but are not recorded until the date they are processed.

It was moved by D. Haywood, seconded by J. Burke and carried to grant a 60 day extension of time to file the deeds in the above referenced application. All members present voted **AYE** on **ROLL CALL VOTE**.

### *Tozzi – Block 33, Lot 1 – Barbertown Idell Road – Determination of Completeness*

The matter has been listed on the agenda to comply with the 45 day time period for a determination of completeness. T. Decker reviewed his memo on the application. Additional items are the orientation of the north arrow on the cover page, notification of the owner of Lot 1.02, lacking of the statement there are no Category 1 streams within 300', indication of the flow of the stormwater control device and one copy of the plat in electronic format.

It was moved by W. Kastning, seconded by D. Haywood and carried to deem the above referenced application incomplete. All members present voted **AYE** on **ROLL CALL VOTE**.

### *Master Plan Statement of Goals and Objectives*

The Board complimented A. Clerico on the preparation of the Master Plan Statement of Goals and Objectives.

***Proposed Tree Replacement Ordinance***

The ordinance would be mandatory to new lots and advisory to existing lots. A. Clerico stated the ordinance includes woodlands, grasslands and loss of habitat. It reviews how it would work alongside with the steep slope or stream encroachment ordinances. The Hunterdon County Toolbox ordinance is based on a woodlands management plan ordinance from the North Jersey Research Conservation Organization. Some of the comments on the ordinance were the identification and definition of the species and sizes of trees, loss of habitat to apply to grasslands as well, conflict with a forest management program and its recommendations, neighborhood tree conservation buffer, removal of invasive species, applicability to commercial and industrial lots, an inventory within 1000' of the subject parcel's boundary, consideration of safety issues and incorporation of grasslands throughout the entire ordinance. The Board felt the ordinance should be reviewed by the Environmental Commission.

D. Pierce stated he would like to step aside from his position as Planning Board Attorney and address the Board as a property owner. In his perspective, it seems the Township is going down a path towards micro-management of everyone's property in the Township. He does not think it is appropriate. There are practical items that should be considered, such as safety concerns and dead trees. The ordinance strikes for a suburban area. The Township is 35 square miles. There are property owners who have allowed their lots to grow up. Should they be precluded from doing something other than allowing woodlands on them? On lots over 4 acres, 1.25 acres of tree removal is allowed. They would not be able to remove a stand of pines and plant soybeans. This type of ordinance will force people to develop their properties to the maximum extent possibly immediately. The remaining lands of a subdivision are subject to the requirements of 1.25 acres of possible 60 acre lots. It does not account for the farmers and what they may or may not do. We started raising goats and cherries are poisonous to goats. With the ordinance, we would not be able to utilize that land for pasture.

J. Burke stated the removal of trees in the steep slope area is addressed in the steep slope ordinance. Ordinances should be for the protection of the general well being of the entire Township and its residents and not penalize someone for cutting their trees.

W. Kastning stated the Township has achieved their desires without this ordinance.

J. Mathieu stated he would like to see the ordinance work for everyone. This ordinance might be a starting point.

A. Clerico will do some research and see what other towns nearby are doing.

***Environmental Commission – Site Plan/Subdivision Review***

S. McNicol stated after reviewing some information from ANJEC indicating the responsibilities of the Environmental Commission, they realized the need for an Environmental Commission's site plan/subdivision review. The form is to be used to alert the Planning Board of environmental issues that might appear on subdivision applications. The Environmental Commission would like to visit the site and use the ERI as their reference for much of the area that is referenced on the review sheet. It is being presenting to the Board this evening for their thoughts. There is a subcommittee of four members of the Environmental Commission that would view the site. D. Pierce stated the site visit should not be done before the application has been deemed complete. T. Decker stated it would be helpful if he could obtain a copy of the Environmental Commission's review prior to his preparation of his review letter.

A certain property was discussed and the idea of visiting the site. D. Pierce stated there is no requirement the Board visit the property. It is discretionary. The applicant can request a visit. There is a possibility of a conflict with the requirements of the Open Public Meetings Act requirement. Once a completeness determination has been made, the Board cannot have any discussion of any substantive matter without public notice. The same would and should apply to property inspection. You cannot get around it by not having a quorum. You would have to set on a meeting, have no individual discussion, have the meeting available to the public and advertise the meeting. As a group you could not have a discussion on the property. An individuals, two or three members can talk about what they see and observe. It can be a gathering of data. Each individual conversation cannot be recorded. Individuals could drive out and drive by but should not interact with the owner.

R. Dodds stated he is in favor of the Environmental Commission taking the site view and providing the Board with their comments. Using the aerial material superimposed with the wetlands, the Board can gather a lot of information without visiting the property.

The Board was polled and the consensus was they would be relying on the Environmental Commission's review of the application but would like the option of a site visit remain available in case of an unusual circumstance.

It was suggested (B) be altered to indicate all the different components growing in the surface, add easements as an additional letter, historical photography and adding the requirement of an Environmental Impact Report.

### ***Annual Report***

D. Pierce stated the Board of Adjustment provides an annual report to the Township Committee. J. Mathieu stated he had a discussion with the zoning officer and the zoning officer has stated he has been presented with a lot of requests for sheds in front on houses that are a distance from the road. D. Pierce stated, in the Board of Adjustment's history, they have not typically had a large number of those types of applications. The zoning officer is running into them in denying zoning permits and people not making variance applications. The Township had an ordinance prohibiting structures in front of the principal structure. The Township removed the provision and then later brought it back into existence. Currently you could have a house that is located in the middle of a 40 acre tract and cannot use their front yard for a structure. It would not have any adverse impact on the neighborhood. The Board can have a restriction on accessory structures within so many feet of the front lot line or in front of the house, whichever is less. They can establish a minimum distance.

### ***Master Plan Cost Estimate***

The Board reviewed the estimate and decided to have the Township Committee handle the matter.

### ***Work Sessions***

The Board decided to have a worksessions if the regular meetings become laden with applications.

## **CORRESPONDENCE**

J. Mathieu reviewed as per the agenda.

## **PRIVILEGE OF THE FLOOR**

***Block 6, Lot 9 – DeSapio***

G. DeSapio was present this evening to request an extension of time to file the deeds for the above referenced application. The current extension of time to file expires on May 12, 2007. He is requesting an additional 60 days.

It was moved by D. Haywood, seconded by J. Burke and carried to grant a 60 day extension of time to file the deeds. All members voted **AYE** on **ROLL CALL VOTE**, except R. Dodds, W. Kastning, T. Kratzer, S. McNicol and L. Senus, who abstained.

R. Dodds stated he was uncomfortable with G. DeSapio appearing before the board without being listed on the agenda. G. DeSapio responded he is not appearing at the last minute to avoid public notice.

D. Pierce stated the Board may require for minor subdivisions notice be provided to surrounding property owners.

S. McNicol stated she would like to see a discussion regarding private roads versus public roads. J. Burke suggested it be an agenda item next month.

T. Kratzer commented on steep slopes with regard to driveways and dirt roads. Other townships have adopted steep slope driveway ordinances. He inquired as to the township's policy in regard to stormwater control once a developer has completed his project. D. Pierce responded it has been the Board's practice in the past to require the developer to create a homeowner's association who is responsible for the maintenance of those items. In those documents, the township has required the right but not the obligation to perform the maintenance or repairs and to assess the lots in the subdivision for those costs.

The Board discussed briefly a policy regarding extension of time to file requests. The matter was given to the Board members for thought.

Also discussed was whether to treat minor subdivisions with the same requirements as major subdivisions, in regard to notice requirements.

**ADJOURNMENT**

It was moved by J. Burke, seconded by R. Dodds and carried to adjourn the meeting at 10:15 PM. All members voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**