

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood
W. Kastning
T. Kratzer
J. Mathieu
E. Niemann
J. Strasser
L. Sensus

ABSENT: T. Siano
S. McNicol

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

Approval of Minutes

It was moved by D. Haywood, seconded by E. Niemann and carried to approve the minutes of August 14, 2007 and place on file with the following corrections:

- Page 7 – second line in #8 “may be” should be two words;*
- Page 12 – Roll Call Vote should indicated E. Niemann abstained.*

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

Resolutions

It was moved by W. Kastning, seconded by D. Haywood and carried to adopt Resolution No. 2007-21 – Van Holten Group – Block 28, Lot 11 – Affordable Housing Plan with the following correction:

- Page 2, block and lot need to be indicated.*

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

It was moved by R. Dodds, seconded by J. Burke and carried to adopt Resolution No. 2007-22 – Warnco – Block 15, Lot 8.04 – Conditional Use. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

It was moved by D. Haywood, seconded by W. Kastning and carried to adopt Resolution No. 2007-23 – Silverson – Block 7, Lot 14 – Extension of Time to File. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

Applications

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

C. Schick was present for the matter this evening. He is requesting a six month extension of time to file his deeds. The DEP has not completed the work on the application for the transition zones. His application has been at the DEP since July of 2006.

It was moved by D. Haywood, seconded by J. Burke and carried to grant a 180 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

W. Kastning recused himself from his position on the board for the following matter.

Perrotti- Block 7, Lot 14.10 - Request for Extension of Time to File

J. Cirdelli, attorney, was present on behalf of the applicant. The applicant is requesting a 90 day extension of time to file the deeds. There are outstanding issues with the County Planning Board. The matter is scheduled to receive final approval of the deeds on September 13, 2007, from the County Planning Board.

It was moved by D. Haywood, seconded by J. Strasser and carried to approve the 90 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

W. Kastning resumed his seat on the Board.

Galleria Construction – Block 39, Lot 7 – Barbertown Idell Road - Hearing

The matter will be carried over to the October meeting.

D. Haywood recused herself from her position on the board for the following matter.

Our Lady of Victories Church – Block 12, Lot 58 – Route 519 – Site Plan Hearing

R. Drake of Archer & Greiner, attorney, represented the applicant this evening. The applicant is seeking preliminary and final site plan approval. The property in question is designated as Block 12, Lot 58 and located on Route 519. There is an existing church, rectory and parking lot on the property. The church has had a seating capacity of 254 seats since 1994. The church has been the owner of the property since 1946 and over the last 19 years, Msgr. Fulton has been the pastor of the church. The applicant is seeking approval for an addition to the south side of the church to house 110 seats. The seats currently located on the north side of the church would be moved to the south side. There would be no increase in the number of seats. There is also a 529 sq. ft. addition to the westerly side and rear. He has published a notice in the newspaper and service on the

property owners of the hearing date. He has provided proof of service. D. Pierce reviewed the notices and proof of publication and deemed the applicant has satisfied the notice requirements.

D. Pierce swore in Martin A. DeSapio, architect.

M. DeSapio testified he is a licensed architect practicing in New Jersey. He has prepared the floor and elevations plans. Exhibit A-1, dated July 23, 2007, is the floor plan and shows the existing building. Exhibit A-2, dated July 23, 2007, indicates the elevations. There is a front entry and to the north is the existing transept. To the west are the existing kitchen, with a mechanical space and restrooms. The addition provides for a transept to the south with a new entry. The seating will be moved to the south transept. The north transept will be used after liturgy for hospitality once a month. The kitchen, which is now long and narrow, will be reconfigured in the addition. It will add an office space for religious instruction and a storage room. The building is currently 4,818 sq. ft. The addition is 2,284 sq. ft. making the structure a total of 7,102 sq. ft. Sheet A-2 shows the four elevations. M. DeSapio reviewed the elevations of the structure. The number of seats will not be increased. There are currently 254 seats and after the addition there will be 254 seats. In response to a question by a Board member, M. DeSapio responded he has been a member of the church for his entire life. There will be no increase to the kitchen. There will be no facilities for cooking in the kitchen. It will be a space for people to bring sandwiches and a sink for coffee. The bathroom facilities were renovated a few years ago and are handicap accessible. The seating in the transept is interlocking chapel chairs. The current transept is utilized for hospitality once a month with coffee after a particular liturgy. The new transept will give an area to congregate without have a concern of spilling coffee on a chapel chair. There are additional masses added for Christmas and Easter to take care of the influx of people.

D. Pierce swore in Msgr. David I. Fulton.

Msgr. Fulton testified he has been the pastor of Our Lady of Victories Church for the last 19 years. The current configuration has been in place for his tenure. The rectory is used as a meeting room and residence. It is used for all the parish organizations that can be accommodated in the rectory. There are two parking spaces with the rectory, in addition to the garage. He testified if he needed seats he might possibly use the northerly transept area. He has added services for the Christmas holiday. He has an attendance of 6 to 13 people at the daily masses. The parish has done a survey of attendance and the average number is about 712.5 people. The use of the bathroom facilities is approximately four or five small children and one adult during services. The property contains two septic systems, one for the church and one for the rectory. There has never been an issue with the septic for either structure. When the parking lot was lined, there were 103 spaces. He is not aware of any accidents in the parking lot since 1992 or 1993. There have been no complaints from the parishioners with regard to the parking lot. This is the only Catholic Church in the diocese that is 100% volunteer. The snow is plowed by two volunteers, on their own time. The northern transept could possibly be offered for after wedding rehearsals and funerals. There would be no food preparation. It would have to be catered. The parish used to have a Sater meal in Lent and would like to restore the meal. The northern transept would be used for some educational, fellowship and worship things. The dumpster is accessed through the blacktop. The dumpster will be moved to the back of the addition, with new blacktop being provided. The church and rectory are on one well. It has functioned correctly to service the church and rectory. He has received no complaints from the neighbors in regard to the water usage in 19 years. The parking lot is lit by a fixture on the northerly side of the parking lot going towards the church. There have been no complaints concerning the lighting affecting the neighboring houses. The shed will be relocated. It contains gardening equipment, tents, tables and chairs. The septic tank was pumped about two or three years ago. The parking lot is adequate for all the functions at the church. In his tenure, the parishioners have increased from 296 to 476 family units. The plan reflects the needs of the current congregation.

D. Pierce swore in Robert F. Lorentz, engineer.

R. Lorentz testified he is a licensed engineer in the State of New Jersey. His license number is 16720. He is associated with Heritage Consulting Engineers in Flemington. He has been in practice for forty years. He reviewed his employment history. The plan was last revised on August 16, 2007, as a result of an error detected by T. Decker. The dimension of one of the calculations should be 6'. It has been recalculated. The applicant was requested to calculate the parking requirement and provision associated with the rectory. There is a two car garage, a paved turn around area which could hold several more cars, if needed and two parking spaces for the rectory. He is familiar with the facilities on the property. He has designed the stormwater management improvements because of the addition. Due to the minor nature of the addition, it doesn't rise to the trigger level to require formal management review. He has made a provision to accommodate the new and existing roof area into a stormwater collection and drywell system to accomplish an infiltration function. There is no proposal to change the existing septic system. The existing septic tank serving the church will be replaced since it lies in an area that would be impacted by the rear addition. It will be replaced with a new 1000 gallon tank. There is no requirement to file with the Hunterdon County Health Department. The applicant has filed an application for a "Construction Permit Referral" and has asked the County Health Department to review the records and the proposal. The County Health Department issued the referral on August 7, 2007, and no changes or upgrades are necessary and there are no records of malfunctions. There is one parking space for every five seats. Fifty one parking spaces would be required under the ordinance. The addition will result in the loss of a couple of spaces. There will be 101 spaces, almost twice as much as the ordinance standard. The parking stalls are lined and indicated. They measure 9' x 18', a standard in most ordinances. The planner indicated the aisles for travel are 22'. A 22' aisle is adequate. The general new parking lot standard for a two-way aisle is 24'. This is a very light turnover parking lot. The lot is safe and efficient as it is functioning now. He has observed the lot and the landscaping islands would reduce the parking spaces. Also suggested was a one-way circulation pattern. It would be very difficult to control without an angled parking arrangement. An angled parking arrangement would reduce the number of available spaces in a given square foot area. Curbing would have to be installed to keep the traffic out of the landscaped island. The landscaped island would create an impediment for snow removal. The current configuration allows for a straight through pass to the end of the lot. One way circulation and reconfiguration to angle parking would lead to additional disturbance of the area. It would increase non-impervious surfaces. The principle parking lot lighting is two quartz fixtures on a power pole, both aimed toward the building to the south and angled towards 519. The light is cast across the lot. He has walked the property and could not notice any light impact beyond the hedge that marks the property line. The first light that receives notice is the standard street light directly in front of the church on 519. There are substantial trees that hide the lights in the parking lot from view. The lights are down directed and at a 45 degree angle, similar to the light outside of this building. In response to a question from a Board member, he is not affiliated with the church nor is he a traffic expert. He stated parking and circulation are civil engineering. In his view, the ability to control the one way circulation would require considerable changes. The aisle in the parking lot is wider than most roads in the Township. The speed in the parking lot is very low. It has functioned for a long period of time without problems. There would be no advantages to decreasing the number of spaces with the possibility that growth could occur in the future. The pole locations are indicated on the plan. The lights are standard power company fixtures. The stock pile of top soil is only during the construction. Most of the soil will be reutilized in covering the drainage, stormwater facility and grade up around the new addition. He is proposing around the 6" drywell pipe a splash block. There will not be any substantial velocity and will gradually overflow. The slope is about 1-2% in well established turf. Testing of the water is based on utilization. The requirement generating testing is 25 people per day on a regular basis. The facility does not rise to that use. There are no proposed changes to the well. The proposed improvements are no closer than currently existing. The only disturbance near the well will be the installation of roof drain collectors which are

near the surface. The southern extension of the building is 20-25' from the well. The shed will be on a block foundation. In response to a question of a Board member, he stated the Church could do a well test, as background, prior to the commencement of construction.

J. Mathieu called for comments from the public. No response was heard.

T. Decker stated a lot of the questions in his report were answered this evening. The report assumed there was an increase in seating. Most of the comments pertain to an increase in seating.

A. Clerico stated one parking spot for every 30 parking spots could be used for landscaped islands. 3.5 parking spaces would be used for landscaped islands. It was a suggestion to take the opportunity to make the parking aesthetically pleasing. The placement could be at either side of the parking lot. She doesn't feel it would cause an enormous increase in maintenance. She has reviewed the property. There are currently some nice light fixtures on the property and it would be nice to carry that effect throughout the parking lot.

D. Pierce had no additional comments.

T. Kratzer stated monitoring of the ground water quality before and after should be required so there is no degradation. The testing should be done for fecal chloroform, TSS and nitrates.

J. Burke stated, in relation to the landscaped islands, it is more a matter of the ease of maintenance in placing the items. They may become obstructions. It is not necessary to change the parking configuration.

D. Pierce stated the applicant is proposing to change the current site plan and the Board has the option of requiring the applicant to come in full compliance with the ordinance. The approval should contain a formal waiver to give it the most appropriate protection.

It was moved by J. Strasser, seconded by W. Kastning to grant preliminary and final site plan with a granting of waivers for landscaped islands and lighting. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Haywood resumed her seat on the Board.

Route 12 Business Park – Block 15, Lot 8.04 – Route 12 – Fastenal – Conditional Use

A. VanVelduisen, owner, was present for the application. J. Lang of Fastenal, tenant, was also present. The Board, at a prior meeting, inquired as to the number of parking spaces. There are 201 spaces currently lined and allocated. Fastenal rents 3,900 sq. ft. and would be entitled to 8.76 spaces for their unit.

D. Pierce swore in J. Lang.

J. Lang testified it is a business based on wholesale sales through the Internet. He deals with contractors by providing industrial hardware, plumbing and fasteners. He is not a regular "ma & pa" operation. With Fastenal, you have to purchase large quantities. About 85% of the business is generated through the Internet. Approximately 10% of the consumers come and pick up their products. He has a salesman who delivers the orders. The Board expressed their concern due to the newspaper article written about Fastenal. J. Lang responded he sells a wide range of products, such as air ducts, exhaust fans or vents for commercial buildings, similar to Grainger. His hours of operation are Monday through Friday from 7-5. He is categorized as a CP-1 store, which is open Monday through Friday rather than a CP-2 which is open weekdays and on Saturdays.

D. Pierce stated the applicant is here for conditional use approval. In order to obtain conditional use approval, the proposed retail use must not interfere with the other permitted uses in the business park zone and the developed principle permitted uses. If the Board does not find that to be the case, the applicant would have to apply before the Board of Adjustment for a use variance. Any time one or more of the requirements of a conditional use are not met, the applicant must apply for a variance. D. Pierce further stated there have been discussions between himself and M. DeSapio, Zoning Officer, and based on the information provided to them, it appeared the retail use was to be very minor. The article in Democrat was published after the discussion and original application in May. Based on the information provided at the time, it was appropriate for them to come before this Board. After discussion the Board may determine it is not appropriate and does require a variance. The ordinance requires the determination to be made by the Planning Board. If the Board finds the application is not minor, they can require the applicant to apply to the Board of Adjustment. M. DeSapio gave them a temporary permit conditioned upon no retail sales.

J. Mathieu stated it may well be better placed before the Board of Adjustment. The parking requirement is double if the space is being utilized for a commercial space.

A. VanVeldhuisen stated Fastenal would have 8.94 spaces. There are 75 spaces along the building which were not lined. 15% of his sales are retail. He is similar to Hunterdon Mill. He has never seen more than 4 or 5 cars parked in their spaces. The property is zoned for a multitude of businesses. Some of the other tenants are purchasing from Fastenal. Most of the customer's vehicles are municipal and commercial. It is predominantly Internet sales. Their literature indicates they are an Internet based direct sales business.

In response to a question from a board member, J. Lang responded the store is open for business. Employed by the business are J. Lang and one salesperson. He has been open for six weeks. He deals with Bemis, Raritan Valley, etc. They purchase with a purchase order with a discount.

A. VanVeldhuisen stated M. DeSapio gave them conditional approval.

D. Pierce stated it seems to be the Board's basis for finding it a conditional use is limiting its operation to a CP-1 store and that its business hours are 7-5 weekdays. If there would be any change in the operation of the business, they would have to come for a use variance.

J. Mathieu called for comments from the public. No response was heard.

It was moved by J. Burke, seconded by D. Haywood and carried to grant the conditional use with the store being classified as a CP-1, with weekday hours from 7-5. If the hours change, the classification of the store change or if they acquire additional space, the applicant would have to return for additional approval.

E. Niemann recused herself from her seat on the Board for the following matter.

Laurelton-Belmont Properties, LLC – Block 22, Lot 16 – Continuation of Public Hearing

W. Wilson, attorney, was present for the applicant. The matter this evening is a continuation of the hearing on August 14, 2007. The matter was continued to allow the professionals to review the base plan or qualification plan. The professionals have concurred with Mr. Symond's analysis and layout. The applicant also needed to obtain some comment from the fire department with respect to the access issue. The applicant does not have a

letter but it is their understanding the fire department would like to have an underground tank but do not wish to have any turn-arounds.

T. Decker stated his office has reviewed two concepts. The lots do conform to the bulk requirements of the ordinance. Some of the lots are not the most desirable of lots but they appear to meet the requirements. There are no variance requirements.

A. Clerico stated she overlaid the two plans and they do conform.

W. Wilson stated the applicant would like to proceed with the alternate plan which requires some variances but does result in less impervious and less general overall disturbance. There is sufficient ingress and egress to all the lots. The plan was approved by the DEP. Some of the septic designs required technical modifications.

W. Kastning requested a baseline report for each lot with present conditions and topography so the homeowner's association has a point of reference. A yearly documentation should be required. The present conditions should be after the delineation markers are installed and that area will be undisturbed during construction.

W. Wilson suggested it be a condition of a Certificate of Occupancy as an "as-built condition". He has reviewed the pro-forma for DEP easements and the applicant would be willing to comply with their requirements of demarcation and marking. The applicant will obtain the DEP and Township's approval for the marking. After speaking with D. Banisch, a separate sheet of the plan can be presented when the final location of the markings has been determined.

D. Pierce stated he is concerned with the baseline report and the installation of markers being based on the issuance of a Certificate of Occupancy. There are some developments which are not completed and sit uncompleted for a number of years. The objective is to protect those areas. The baseline report and markers should be installed prior to construction is begun. D. Pierce suggested the installation of the markers prior to the issuance of any building permits and then, as part of the Certificate of Occupancy or prior to the issuance of a Certificate of Occupancy, a baseline report and an "as-built" drawing plat for the property be submitted to the Township.

J. Symonds testified the orange safety fence will delineate the limited disturbance area outside of the buffers.

L. Voronin stated Dr. Nenna has been cited by the DEP for several violations. She wants to ascertain that there will be no further environmental violations.

D. Nenna stated when he first procured both Lots 16 and 17 he had a wetlands delineation done by a professional. There was some dirt stockpiled on the site. There was a disagreement with the DEP and the amount of wetlands disturbance. The soil stock pile was in a transition area. He was cited for the stockpile on Lots 16 & 17. All the violations have been remediated.

W. Wilson stated DEP permits have been issued.

It was moved by W. Kastning, seconded by D. Haywood and carried to grant final Major Subdivision approval with conditions. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who **ABSTAINED**.

E. Niemann resumed her seat on the Board.

CORRESPONDENCE

J. Mathieu reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

Kenney – Block 27, Lot 6 – Extension of Time to File

G. DeSapio was present this evening to request an extension of time to file the deeds for the above referenced application. A condition of approval was an approved septic design. He had contacted the engineer and was unable to obtain verification of an approved system. The time frame to file the deeds ends before the next meeting.

After some discussion on allowing an exception to the Board policy of requiring 10 days for any matter to be presented to the Board, it was moved by J. Strasser, seconded by J. Burke and carried to grant a 3 month extension of time to file the deeds.

ROLL CALL VOTE: **AYES – Burke, Haywood, Mathieu, Niemann, Strasser**
 NAYS - Dodds, Kastning, Kratzer, Sensus

LKR – Block 38, Lots 20 & 36 – Major Subdivision

D. Pierce reported there was a request for a stay of six months due to LKR actively negotiating with Green Acres.

ADJOURNMENT

It was moved by J. Strasser, seconded by R. Dodds and carried to adjourn the meeting at 10:35 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary