

MINUTES

PRESENT: R. Dodds
D. Haywood
W. Kastning
T. Kratzer
J. Mathieu
T. Siano
J. Strasser
S. McNicol, Alt. #1
D. Banisch, Planner
A. Clerico, Planner
D. Pierce, Attorney

ABSENT: J. Burke
E. Niemann
L. Senus, Alt. #2

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 D. Haywood, seconded by W. Kastning and carried to approve the minutes of October 9, 2007, with the following corrections:

*Under prior month's minutes correction "Seder";
Page 2 – Kenney – R. Dodds voted "cannot vote";
Page 6 – Roll Call Vote – "D. Haywood recused herself";*

All members voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer and T. Siano, who voted ineligible.

In response to the correct way to vote, D. Pierce stated the technically correct way is if you were not here and did not listen to the tapes you would be ineligible to vote on the minutes or any matter concluded from the prior meeting.

Honeymar – Block 26, Lot 4 – Request for Subdivision Amendment

S. Honeymar, 775 Van Ness Drive, Martinsville, New Jersey, submitted an amendment to her original application. The original application was for a two lot subdivision but the DEP found there were more wetlands than depicted on the original plat. When the lot lines were redrawn, one of the proposed lots was deleted.

D. Pierce stated, in reviewing the submission, the issue came up as to whether the request for an amendment was timely as the Board knows, the deeds are required to be recorded within 190 days of the adoption of the resolution. In this case the approval for the subdivision was extended on 3/14/2006. The DEP issued their LOI in 3/27/2007. The DEP's determination required a reduction of the lots to one new single lot and the existing lot. Additional soil testing was required to determine septic suitability. The problem that may confront the Board is that the Board is constrained in granting extensions of the 190 day approval period to 190 days from the date of the last intervening governmental approval. On the technical reading of the resolution, the LOI and application could indicate that the time to file the deeds expired on 10/3/2007. An argument could be made because the approval period has already elapsed before this request, it should be treated as a new application.

S. Honeymar stated the delay was due to the engineer having to draw up new maps. It has taken a long time.

D. Pierce stated if the Board is inclined to treat the application as an amendment, the action should be to deem it an amendment. T. Decker has not had an opportunity to do a technical review of the proposed lots to see if they comply with the bulk requirements. The application would be subject to the well testing as a requirement for a building permit. By a reading of the authorities on this type of issue if the change reduces the burden it is not considered a significant amendment and should not be treated for that purpose as a new application. No precedence would be set as each core decision stands on its own facts.

It was moved by S. McNicol, seconded by D. Haywood and carried to deem the application as an amendment to the prior approval and schedule it for review by the board engineer for a determination of completeness at the December meeting. All members present voted **AYE** on **ROLL CALL VOTE**.

Laura Properties – Block 8, Lot 25.01 – Request for Extension of Time to File;

Since the request for the extension of time was not filed within 10 days of the meeting, the matter was carried over to the December meeting.

Public Workshop and Discussion on the Farmland Preservation Plan Element of the Master Plan

D. Banisch stated this meeting is to serve as one of the required public meetings for the draft Plan. The Plan is to be submitted by December 15, 2007. The Plan is necessary to stay eligible for PIG funding. The SADC will conduct a technical review of the plan and issue a letter for any revisions. The letter should be received by February 15, 2008. The Township will then have sixty days to address the SADC comments. The SADC will allow you to amend your plan and indicate your target by the end of the year. There are 73 million dollars

available for farmland preservation, with 2 million dollars to each of 18 counties (excepting out Hudson, Middlesex and Essex counties). 31 million dollars will be distributed to county non-profits and PIGs. He reviewed the chapters of the Plan. There will need to be formal action by the governing body in reference to the approval of the Plan. The final Plan will be available for public review before its final adoption in April.

D. Pierce stated this meeting was separately advertised as a public participation meeting for this element. The SADC wants to have two public participation hearings or meetings before the plan is submitted. The November 27th meeting would comply as the second meeting.

A. Clerico suggested, possibly, some planning board members could attend the meeting on December 11, 2007 with the Environmental Commission, as the public hearing for the conservation element, as per the ANJEC grant requirement.

D. Banisch and A. Clerico left the meeting at this point.

Minor Subdivisions (classifications)

The matter was deferred to the November 27th meeting.

2008 Budget

J. Strasser indicated the subcommittee was unable to meet their goals due to the lack of funding. They would probably require four to six meetings with professionals.

After a brief discussion, it was moved by T. Kratzer, seconded by R. Dodds and carried to request \$35,000 from the Township Committee for the 2008 Planning Board Other Expense. All members present voted **AYE** on **ROLL CALL VOTE**.

T. Siano left the meeting at 9:10 PM and was not present for any of the following actions.

10 day limit for submissions for meetings

After some discussion regarding the possible scenarios with different time frames, it was moved by T. Kratzer, seconded by R. Dodds and carried to adopt a 14 day time limit, prior to the board meetings, for all submissions to the Board. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Haywood, who voted **NAY**.

Master Plan – Land Use Element

J. Mathieu stated the next element is the Conservation Element.

Resolution No. 2007 - 30 - Executive Session – Personnel and Potential Litigation

J. Mathieu read the following resolution into the record:

RESOLUTION NO. 2007 - 30

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (R.S. 10:4-13) permits the exclusion of the public from a meeting or a portion of a meeting of this public body in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Kingwood, County of Hunterdon and State of New Jersey as follows:

1. The public shall be excluded from the meeting or a portion of a meeting at which this public body discusses the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

**Personnel – 2008 Professional Appointments;
Potential Litigation**

3. The time when the circumstances under which the discussions conducted in closed session of this public body can be disclosed to the public is as follows:

The minutes of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements or personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and -13.

4. This resolution shall take effect immediately.
5. The Planning Board may take additional action upon returning to regular session.

It was moved by S. McNicol, seconded by T. Kratzer and carried to adopt the foregoing resolution. All members voted **AYE** on **ROLL CALL VOTE**.

J. Mathieu announced the return to the Regular session.

CORRESPONDENCE

J. Mathieu reviewed as per the agenda.

OTHER MATTERS

J. Mathieu indicated G. Rackin the Wild & Scenic Coordinator for the Delaware Greenway would like to make a presentation to the Board. J. Mathieu suggested the November 27th meeting.

W. Kastning stated the Flood Area Hazard Control Act was adopted on November 5th. It will be in review and public session for some time. The Act establishes the buffers, now a minimum of 50, 150 and 300 foot buffers, depending on the regulated activity taking place along the streams. It will have a major impact for Kingwood. He suggested Vincent Mazzei be contacted to come and speak to the Board.

Block and Lot Indication

T. Kratzer stated he has noticed projects in the Township which are not being indicated by signage to determine the block and lot.

It was moved by R. Dodds, seconded by T. Kratzer and carried to require the Construction Official insure all properties are properly posted with the Block and Lot number at the commencement of building. All members present voted **AYE**.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by J. Strasser, seconded by R. Dodds and carried to adjourn the meeting at 10:24 PM. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary