

MINUTES

PRESENT: R. Dodds
D. Haywood
W. Kastning
T. Kratzer
J. Mathieu
E. Niemann
J. Strasser
S. McNicol
L. Senus
T. Decker
D. Pierce
A. Clerico

ABSENT: J. Burke
D. Banish
T. Siano

CALL TO ORDER

The meeting was called to order at 8:04 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 W. Kastning, seconded by D. Haywood and carried to approve the minutes of November 13, 2007 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except T. Kratzer, E. Niemann and L. Senus, who **ABSTAINED**.

It was moved by S. McNicol, seconded by D. Haywood and carried to approve the minutes of November 13, 2007, Executive Session. The minutes of the Executive Session shall be held as closed until officially released by the Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**, except E. Niemann, who **ABSTAINED**.

T. Kratzer recused himself from his seat on the board for the following matter.

It was moved by R. Dodds, seconded by S. McNicol and carried to approve the minutes of November 27, 2007, and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by W. Kastning, seconded by S. McNicol and carried to approve the minutes of November 27, 2007, Executive Session. The minutes of the Executive Session shall be held as closed until officially released by the Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

Honeymar – Block 26, Lot 4 – Kingwood Locktown Road

J. Mathieu called the matter. No response was heard.

D. Pierce stated the Board is required to take action within 45 days of deeming the application complete. The application has been deemed complete as an amendment to a prior approval. The applicant can be granted an extension of time providing they agree to the extension.

The matter was postponed until later in the evening.

Laura Properties – Block 8, Lot 25.01 – Lower Oak Grove Road - Request for Extension of Time

L. Wahl of Archer & Greiner was present for the matter this evening. The minor subdivision was approved on January 9, 2007. The subdivision created Lots 25.14 and 25.15 from Lot 25.01. In seeking compliance with the County regulations, the applicant encountered some engineering problems with regard to the Stormwater Management Plan. The applicant received an extension of time on June 7, 2007 for 190 days which brings the time limit to January 16, 2008. The applicant cannot comply with the requirement to perfect the deeds for the subdivision by that date due to the county requirements.

It was moved by J. Strasser, seconded by S. McNicol and carried to grant an extension of 190 days to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

Proposed Ordinance No. 14-26-2007 – Rescinding Class III Minor Subdivisions

It was moved by R. Dodds, seconded by S. McNicol and carried to recommend adoption of proposed Ordinance No. 14-26-2007 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

Draft Farmland Preservation Element Plan

A. Clerico provided a copy of the draft plan to the Board members this evening. The plan contains two maps of the township, one of the target farms and one of the project areas. The “xx” in the plan indicate a map for that reference and the need for additional information. The funding information is to be provided by L. Schmid.

A. Clerico requested input from the Board members on the following:

Page 5 – The table the Agricultural Advisory Committee developed;

Page 29 – List of target farms;

Page 37 – Preservation goals by year;

Page 40 – The start of the funding plan;

A. Clerico commented the State has 45 days to comment on the draft. After receipt of the comments, the Board has another 45 or 90 days to make the revision. It will not be finalized until June of 2008.

The public hearing on the Farmland Preservation Plan was opened by J. Mathieu.

J. Mathieu called for comments. No response was heard.

It was moved by S. McNicol, seconded by T. Kratzer and carried to close the public hearing on the Draft Farmland Preservation Plan. All members present voted **AYE** on **ROLL CALL VOTE**.

2008 Reorganization Meeting

It was moved by D. Haywood, seconded by R. Dodds and carried to schedule the 2008 Reorganization meeting for January 8, 2008 beginning at 8:00 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Recommendation for 2008 Professional Appointments

It was moved by R. Dodds, seconded by J. Strasser and carried to recommend to the next sitting Planning Board the retention of the existing professionals. All members present voted **AYE** on **ROLL CALL VOTE**.

Honeymar – Block 26, Lot 4 – Kingwood Locktown Road

J. Mathieu called the matter. No response was heard.

D. Pierce stated the Board has two options. One is to deny the application because no one is present to provide evidence to the Board, with the Board having an open mind to rescind that denial if the applicant is contacted and consents to an extension of time. The other option is to consider the application in the absence of the applicant and approve or deny it on that basis. There isn't anything unusually about the application. T. Decker noted in his memo a concern about the developable area in the lots. In my opinion, the ordinance was adopted after the initial approval of this application and the application is exempt from those requirements.

It was moved by D. Haywood, seconded by S. McNicol and carried to deny the application but the Board is willing to rescind the denial if the applicant is contacted and agrees to an extension of time. All members present voted **AYE** on **ROLL CALL VOTE**.

Elizabethtown Gas (E-town)

J. Mathieu stated E-town's franchise agreement has expired. E-town is placing a line into Frenchtown and another line from Milford to Frenchtown. There are two issues: Should the gas line be included in the Master Plan? Should E-Town be permitted to install a "T" in Baptistown to possibly service Baptistown and Route 519?

D. Pierce stated the placement of utilities is governed by the franchise granted by the Township Committee. Only the Township Committee can grant those franchises. Under the MLUL, the Utility Service Plan is one

element of the Master Plan. You can read the section to say it is limited to essential utilities. A gas line is one of several options for providing heat and other services. D. Pierce received a call from a property owner who wanted the gas line extended to their property, which brought to light the issue of the expired franchise. The franchise was granted in 1996 for a period of 10 years.

E. Niemann stated E-town has indicated they have all the required state permitting. E. Niemann stated J. Mathieu could possibly post some specific questions so the appropriate individuals could attend the meeting.

It was moved by S. McNicol, seconded by T. Kratzer and carried to request appropriate individuals from Elizabethtown Gas to appear before the Planning Board at the January 8, 2008, meeting or another meeting which is convenient to them, to discuss the Route 12 gas line project. All members present voted **AYE** on **ROLL CALL VOTE**.

D. Pierce announced the Board, when it returned to regular session, might take some action on a matter discussed in Executive Session.

T. Decker and A. Clerico left the meeting at this time.

RESOLUTION NO. 2007 - 32

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 R. Dodds, seconded by S. McNicol and carried to adopt the foregoing resolution. All members present voted **AYE** on **ROLL CALL VOTE**.

J. Mathieu announced the Board has returned to regular session.

It was moved by S. McNicol, seconded by R. Dodds and carried to authorize D. Pierce to send his draft letter to the Ethics Advisory Panel. All members present voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

J. Mathieu reviewed as per the agenda.

PRIVILEGE OF THE FLOOR

Wild and Scenic Program

T. Kratzer will prepare and provide to the Board, for the next meeting, a letter supporting the program.

Signage

T. Kratzer stated construction signage has not been installed at the projects on Barbertown Point Breeze, Route 519 and Barbertown Idell Roads.

Resignation

J. Mathieu announced W. Kastning will be resigning from his position on the Board.

ADJOURNMENT

It was moved by S. McNicol, seconded by E. Niemann and carried to adjourn the meeting at 9:34 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Respectfully submitted,

Diane Laudenschick, Secretary