

MINUTES

PRESENT: M. Augustine
R. Dodds
D. Haywood
J. Mathieu
S. McNicol
E. Niemann
L. Senus
M. Syrnick, Alt. #1
D. Posey, Alt. #2
T. Decker, Engineer
D. Pierce, Attorney

ABSENT: T. Kratzer
J. Strasser

CALL TO ORDER

The meeting was called to order at 8:05 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 Express Times 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 R. Dodds, seconded by E. Niemann and carried to adopt the minutes of July 8, 2008 with the following correction:

Page 6 – 1(a) – “limitation son” should be “limitations on”.

All members voted **AYE** on **ROLL CALL VOTE**, except M. Augustine and L. Senus, who abstained.

Resolutions

It was moved by R. Dodds, seconded by D. Haywood and carried to adopt No. 2008-14 - Galleria Construction – Block 39, Lot 7 – Barbertown Idell Road – Minor Subdivision w/variances. All members voted **AYE** on **ROLL CALL VOTE**, except L. Senus, who abstained.

Herbel – Block 18, Lot 2 – Route 12 – Street Graphics Application

E. and D. Herbel were present for the application this evening. The Zoning Officer has indicated the sign conforms to the current zoning requirements.

It was moved by D. Haywood, seconded by R. Dodds and carried to approve the street graphics application for Block 18, Lot 2. All members voted **AYE** on **ROLL CALL VOTE**.

Schlachter – Block 9, Lot 13 – Minor Subdivision

J. Mathieu announced the above application has requested an adjournment until the September meeting.

M. Augustine and R. Dodds recused themselves from their positions on the board for the following matter.

Rey/Diminick – Block 5, Lot 4 & 5.01 – Ridge Road – Boundary Line Adjustment – Hearing

H. Rey was present this evening for the application. He is giving two acres to his daughter and son-in-law. The parcel being added was once part of the original tract. The boundary line adjustment provides 400' of depth and a little more land on one side of Lot 5.01.

T. Decker stated his firm has reviewed the application and he has no comments. There is ample area in the remaining lot. The boundary line adjustment might eliminate a few of the non-conforming setbacks currently existing on the lots.

D. Pierce had no comments on the application.

It was moved by D. Haywood, seconded by S. McNicol and carried to approve the above application with the following conditions:

1. Review and approval of the Deeds by the Board's professionals.
2. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. The development fee ordinance requires a developer, pursuant to 132-13 of the Kingwood Township Code, to pay a development fee to the Kingwood Township Affordable Housing Trust Fund, as follows:
 - A) For all new residential development – two percent of the equalized assessed value of the new residential development;
 - B) For all new, non-exempt, non-residential development – two percent of the equalized assessed value of the new non-residential development.Expansion of existing structures by fifty percent (50%) or more is subject to imposition of the development fee.

3. The applicant shall pay fifty percent (50%) of the estimated developer's fee to the Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
4. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. Approved Plats or Deeds shall not be released for recordation unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
5. The within approval and the use of all property subject to the within approval are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approval(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon proper application.
6. The Township of Kingwood Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
7. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
8. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the applicant, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members voted **AYE** on **ROLL CALL VOTE**.

M. Augustine and R. Dodds resumed their positions on the board.

BDAC, LLC –Block 23, Lot 17.02 – Reconsideration of Conservation Easements

C. Allen, attorney from the firm of Archer and Greiner, and A. Belle, principal of BDAC, were present for the application this evening. The applicant has noticed for the hearing. The applicant is requesting the board reconsider the conservation buffers, easements and conditions in connection with the subdivision granted on June 10, 2008. The approval granted a three lot subdivision. The resolution has not been adopted by the Board and the applicant is requesting reconsideration of the conditions in the resolution. The first reconsideration is for the condition that establishes the building setback. The applicant is concerned he would have a setback established by the municipality but have some ability to build within that area by the DEP, such as a pool, barn, fencing, etc. The applicant is concerned about marking the buffer areas. There was discussion concerning putting posts with placards along the stream corridor lines. The applicant was concerned the markers might damage hay cutting equipment. If it was in an area of a horse paddock or pasture, a horse could run in to one of the posts. It is the applicant's intent to build a house. The applicant proposes, in lieu of the posts and placards, a deed restriction and the filing of a map. Those items would preserve the buffer area in perpetuity, would withstand the test of time and avoid some of the concerns of his client. At the construction of the new homes or structures, the applicant would like to install silt/snow fencing along the buffer line so no fill or new fill is placed in the buffer line. Those measures would be consistent with the DEP policies regarding buffer restrictions and protections. The applicant would like to build some agricultural structures.

D. Pierce swore in A. Belle.

A. Belle testified his intention is to put agricultural structures on Lot 17.02. No structures will be constructed on the front two lots. All the proposed activities on Lot 17.02 are in compliance with DEP regulations.

C. Allen stated the description of the easement will be filed with the record of the property. There is going to be a need for a survey, plot plan and/or grading plan before the issuance of a building permit. The description will be putting notice before the appropriate individuals.

D. Pierce stated there is not enough information on the plat that would allow the board and its professionals to make a determination of what is and what is not allowed in the riparian area. There are two different portions of the riparian zone. A flood way (smaller area that would carry a 100 year storm) and a flood fringe (outer limit of the flood hazard area). Within the flood fringe, outside of the flood way, there are certain things that can be done with DEP permits. The difficulty arises when you have the development of a lot or lots and the development creates more than .25 acre of new impervious coverage or disturbs more than one acre of land. If any of those conditions are met, you meet the special resource protection area in which no new activities are permitted. Some activities are allowed within the first 150' buffer, which are related to stormwater management. There is no delineation on the plat which indicates the flood way or fringe. No plans have been submitted of what is proposed to be constructed on the lots. The board does not know if it will exceed the .25 acre of new impervious coverage. It would seem that the applicant could erect some limited agricultural structure within the flood fringe. The regulations provide for permits in the flood fringe for the construction an open structure with a roof outside of the flood way, such as a pole barn w/o sides, the construction of an agricultural building with no more than 1,000 sq ft., installing a swimming pool and replacing an underground fuel tank. The difficulty comes when further development puts it over the .25 acre of new impervious coverage.

The draft resolution provided for the exception for DEP permitted uses. The issues are where to mark the conservation easements, if at all, and where to establish the set back line.

C. Allen stated the initial request is that the setbacks should follow the current ordinance and the DEP conservation lines. There should be a deed notice. The delineation should be in the hands of the professionals who check the descriptions. A post might be moved or destroyed in the field. The Township should ascertain the Code Official and Zoning Officer are provided with the information. The development on the lot should be regulated by the DEP requirements. The Construction Official cannot issue a permit until all prior approvals are in hand.

After some discussion, the Board members felt some markers should be installed. T. Decker suggested the markers be placed at the hedgerows between Lots 17.02, 17.04 and 17.05, at the corner of the conservation easement running parallel to the property line and along the property line at the end of the conservation easement.

D. Pierce stated the Board does need to indicate the permitted uses in the buffer. The applicant will have to satisfy the conditions of any general permit or permit by rule before he begins construction. He will have to satisfy the building inspector and building department that he has obtained all the necessary approvals. The resolution, as drafted, contained an appropriate condition allowing the applicant to undertake any activity permitted by DEP permit or other agency. The applicant would like to construct an agricultural building on Lot 17.02 without septic or well testing.

C. Allen stated the applicant was concerned, if they obtained DEP permitting, what the setback language of the buffer line would be? If the applicant wanted to do something in the area, he would have to obtain variance relief relying on DEP's jurisdiction.

D. Pierce responded the purpose of the Board asking for the setback line being in conformance with the buffer line basically is to have consistency in delineating the areas that could or could not be developed. The Board can ask the applicant to delineate the flood fringe and the flood way and have the setbacks from those lines. The Board could take the position, if the DEP changes the regulations and allows construction beyond buffer, it would be permitted. The Township does not have an ordinance that prohibits construction within a flood way, flood fringe or flood hazard area. It would be better served with the setbacks to be consistent with the requirements of the zoning ordinance and make a determination basis application by application.

C. Allen stated the resolution condition of posting the escrow for the well testing was a requirement of obtaining a building permit not the release of the deeds. D. Pierce stated that condition should be amended.

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

It was moved by D. Haywood, seconded by R. Dodds and carried to close the hearing. All members voted **AYE** on **ROLL CALL VOTE**.

It was moved by S. McNicol, seconded by D. Haywood and carried to amend the prior approval and the conditions of that approval by the following:

1. Lot 17.02 shall be deed restricted against further subdivision;
2. Lot 17.05 shall be permitted to access the common driveway at any location along the common driveway and shall share in the maintenance responsibilities for the common driveway;

3. Lot 17.05 shall be deed restricted to prohibit the construction of a dwelling larger than 3000 square feet of floor area;
4. Submission of a Plat revised to include the restriction prohibiting the construction of a dwelling larger than 3000 square feet of floor area on Lot 17.05;
5. Submission of a copy of the driveway opening permit for the existing Lot 17.02;
6. Submission of documentation satisfactory to the Board engineer demonstrating the appropriate construction material and thickness of the existing driveway for use as a common driveway;
7. Submission of the Soil Conservation and Sediment Control permit/approval for the prior installation of the existing driveway;
8. Installation of a paved apron and paving of the first 50 feet of the existing driveway prior to the issuance of a Certificate of Occupancy for any of the lots;
9. Submission to and approval by the Board engineer of a formula for calculating and determining the stormwater treatment system to be installed on each lot prior to the issuance of a building permit for each lot;
10. Submission of this application to the D&R Canal Commission;
11. The applicant shall confer with the Township Committee and the Board engineer and agree upon the amount of the applicant's off-tract improvement contribution;
12. Review and approval by the Board's professionals, and recordation, of:
 - A. Deed restrictions for each lot with respect to the requirement to:
 - i) install individual stormwater management systems and regarding the operation and maintenance of same;
 - ii) install and maintain markers delineating the conservation and hedgerow preservation easements
 - B. A common driveway access and maintenance agreement;
 - C. Conservation easements for Lots 17.04 and 17.05, with an attached map depicting the area of the Conservation easement noting and subject to the right to apply to the New Jersey Department of Environmental Protection for permits to conduct activities within the area of the conservation easement;
 - D. Revisions to the Deed for Lot 17.02 providing notice of the existence of freshwater wetlands and a category one stream buffer and the existence of restrictions imposed by the New Jersey Department of Environmental Protection regarding the activities that may take place therein;
 - E. Hedgerow preservation easements with an attached map depicting the area of the hedgerow preservation easement;
13. The conservation and hedgerow preservation easements shall be delineated in the field prior to the issuance of any building permit by the installation of two markers on each property at the outer boundary lines of such areas where such boundary lines intersect the outer edge of the hedgerow, with the second marker on Lot 17.05 located at the outer boundary line of the Category 1 stream buffer as close to the road as possible. The form of marker shall be subject to approval by the Board's planner;
14. Prior to the issuance of a building permit, the applicant shall submit a baseline documentation report for all conservation and hedgerow easements documenting with photographs the installation of the boundary markers and the condition of the easement areas;
15. Submission of a copy of the map referenced in the Freshwater Wetlands Letter of Interpretation issued by the New Jersey Department of Environmental Protection;
16. Completion and submission of the results of aquifer testing, the plan for which and the results of which shall be subject to the approval of the Board's hydrogeologist prior to the issuance of a building permit.

17. No building/construction permit shall be issued for any lot unless and until a well permit has been obtained as required by Kingwood Township Ordinance Section 153-24.
18. Prior to the issuance of a certificate of occupancy, water quality testing shall be conducted on the well for each lot as required by Kingwood Township Ordinance Section 153-25. The test results shall be submitted to the Township's hydrogeologist for review and determination as to whether a water treatment system is necessary.
19. Receipt of unconditional approval from the Hunterdon County Planning Board.
20. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
21. Receipt of unconditional approval from the D&R Canal Commission.
22. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998. The growth share ordinance requires a developer to agree upon a plan for satisfying its portion of the growth share obligation created as a result of its proposed development. Pursuant to the growth share ordinance, each new home results in the creation of an obligation for 1/4th of a growth share affordable housing unit. Since the proposed development results in the creation of 3 new homes, the applicant is responsible for satisfying an obligation to provide a 3/4ths share of a growth share affordable housing unit. The applicant has agreed to provide an affordable housing rental unit on Lot 17.02 that will be deed restricted for affordable housing for thirty (30) years. The affordable housing rental unit shall be constructed and a certificate of occupancy issued therefore not later than thirty (30) months after the issuance of a certificate of occupancy for the primary dwelling unit on Lot 17.02.
23. Revision of the Deed for Lot 17.02 to contain appropriate notice and restrictions regarding the affordable housing obligation set forth in condition number 21.
24. The applicant shall establish an escrow for professional review of the aquifer test plan and hydrogeologic report as required pursuant to Kingwood Township Ordinance Section 153-34 (4). The escrow in the amount of \$4,800.00 shall be established before the issuance of the first building permit for any of the subject lots.
25. The applicant shall establish an escrow for well rehabilitation and monitoring as required pursuant to Kingwood Township Ordinance Section 153-34 (5)(a). The escrow in the amount of \$9,000.00 shall be established before the issuance of the first building permit for any of the subject lots.
26. Neither the Board nor its employees or professionals will perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid. Approved Plats or Deeds shall not be released for recordation unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
27. The within approval and the use of all property subject to the within approval are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all Municipal, County, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or condition of the within approval and any approval(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

28. The Township of Kingwood Planning Board reserves the right to revoke and withdraw any approval hereby granted in the event that there is any deviation from or alterations of the plan hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Planning Board. Minor deviations and field changes may be authorized in writing by the Township Engineer.
29. All improvements shall conform to building standards and other regulations as set forth in Federal, State, County and Municipal Statutes, Regulations, Codes and Ordinances, at the time of installation of the said improvement.
30. The acceptance by the applicant of this approval and reliance thereon by the applicant for the purpose of commencement of construction of improvements within the project in accordance with the approval, shall operate as an acknowledgment and agreement by the applicant, its successors and assigns, that it accepts the official action herewith memorialized as being subject to the terms and conditions as contained herein, and agrees to fully comply and be bound thereby.

All members voted **AYE** on **ROLL CALL VOTE**.

M. Augustine recused herself from her position on the Board for the following matter.

Gross/Rey – Block 5, Lot 4 – Determination of Completeness

J. and R. Gross were present for the application this evening. The reason for their appearance before the Board is because they desire to construct a barn larger than the allowed 5,000 sq. ft.

D. Pierce stated he is going to recommend the application be amended to include a request to allow the second dwelling to become their principle dwelling. The ordinance allows an existing agricultural lot to have a second house which is for farm help or a guest house. D. Pierce stated the well ordinance requires the well testing to be completed and well certification issued prior to site plan approval. If there is going to be an additional consumption of less than 800 gpd, a pump test is required. If there is going to be an additional consumption of more than 800 gpd, an aquifer test is required. In regard to the well testing, he does not know if the Board would want to hear the application if that information was not available or if the Board would want to hold the application for those results. It has been a critical issue for the Board in the past. He stated the Board might hold the hearing on the application but the Board would not grant an approval until the well testing information was provided.

R. Finelli, applicant's architect, stated the structure will have 16 stalls and an arena area. The arena will be 16,000 sq ft and the stall facility 10,000 sq ft. T. Decker stated the size might trigger the requirement for stormwater management.

The Board reviewed the applicant's request for the following checklist and escrow waivers:

Escrow Waiver:

The first request regards "Escrow Fees for Professional Review", specifically the prescribed \$25.00 per 100 square feet of existing & anticipated building coverage. The existing buildings total 9490 sf of coverage, with anticipated buildings adding potentially 35,000 sf of coverage. This translates to an amount of \$11,125.00. We are requesting a number of waivers of technical requirements which, if allowed, should reduce the time required of the Board's professionals.

Checklist Waivers:

20. *Depiction of freshwater wetlands within 150' of the property.* A Wetlands Assessment Letter has been prepared by Thomas Norkevich, and is referenced on the Property Survey Plan prepared by Stanley Norkevich. The limits of the proposed improvements remain far from potential wetlands and the balance of the property remains in farm production.
21. *Documentation of feasibility of an adequate method of sewage disposal.* Soil investigation has been scheduled by the sanitary engineer, Bayer-Risse Engineering. Soil types in this area are primarily PeB, PeC2, and PeD, which generally have good permeability. Also, the property was the subject of successful testing for multiple dwelling units by a previous contract purchaser.
24. *Indicate the location of all existing and proposed structures, i.e. walls, fences, culverts, bridges, roadways, etc., with grade elevations.* With respect to grade elevations, proposed improvements including fencing, driveways and parking areas are all intended to be building commensurate with existing grade. The topographic lines confirm the gentle slope and general levelness of the property. There is no expectation of major regrading.
28. *Identify all means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing, sight lines and radii.* The property is currently served by a driveway at 221 Ridge Road (the current home). Another driveway is anticipated to come off Tinsman Road. This will also be a residential driveway and we will obtain a driveway permit as part of the construction project.
30. *Location, arrangement and dimensions of truck loading and unloading platforms and docks.* Not applicable.
33. *Indicate all existing or proposed exterior lighting, including foot-candle distribution.* Not applicable. Any lighting proposed as part of the construction plans, including security lighting, will be equipped with horizontal shields to ensure downward cast of light only.
35. *Indicate locations, dimensions and construction of off-site sidewalks, on-site walks and sidewalks.* Not applicable
36. *Show proposed screening, green areas, landscaping, and fencing, including a planting plan and schedule.* The property will remain in farm production. All agricultural buildings will be met by grass or gravel. Foundation and decorative plantings at the residence are yet to be determined.
37. *Show improvements to adjoining streets and roads and traffic control devices necessary in streets or highways.* Not applicable
38. *Copies of any existing or proposed covenants and deed restrictions intended to cover any of the development site.* Not applicable
39. *Submit 27 copies of elevations, sketches, renderings or pictures of any new buildings, structures, or alterations.* We are still in the design phase concerning the residence. We are close to a final barn design but still working. At this point we can provide drawings of a barn similar in scale and type to our project.
40. *Show fire service lines, hydrants, siamese connections, automatic sprinkler systems, fire zones, no-parking fire zones and pavement and wall signs.* Not applicable.
41. *Complete construction plans (plans, profiles, and cross sections at fifty-foot intervals and details) for all improvements, including roads, fences, drainage, water, sewer and surface water management facilities.* Not applicable.
42. *Lot grading plans, including proposed spot elevations, grade at building, flood elevations, proposed drainage patterns, etc.* All proposed work will be commensurate with the existing topography. See note at item 24.
43. *Location of natural features to be preserved, including conservation easements.* The property will remain in farm production, whether pasture or crop.
44. *Soil erosion and sediment control plan in accordance with Chapter 103, Soil Erosion.* An SESC plan will be filed with the Soil Conservation District.

45. *Calculations demonstrating the adequacy of existing and/or proposed drainage and/or surface water management facilities.* Not applicable. Seepage pit(s) for roof water will be part of the construction plans.
47. *Proof of submission of application and fee submitted to County Planning Board.* Not applicable.
49. *Mapping of steep slopes in accordance with 114-3.* Not applicable.
50. *Six copies of Stormwater management plan and supporting calculations.* Not applicable.
52. *Sixteen copies of hydrogeological report and pump testing as required by 153-29 and 153-20 of Board of Health Code where construction of a well is required.* We have contracted with a well drilling company, who will conform to township requirements.
54. *Twenty seven copies of Affordable Housing Plan.* We understand this issue to offer multiple solutions and intend to work with the township in satisfying any requirement.
55. *Sixteen copies of well testing, as required by Chapter 153, Article II, where applicable.* See 53 above.
56. *Completed Constrained Area Maximum Tract Yield Calculation Form to be shown on site plan.* Not applicable.
58. *Depiction of Category One streams and tributaries within 300 feet of property.* See note at item 20.
59. *Proof of submission of application and fee to NJDEP for freshwater Wetlands Letter of Interpretation or Presence/Absence determination.* This will follow our final determination as to the placement of the house and barn, and septic disposal system.
60. *Depiction of Septic systems and wells within 100 feet of property.* We are planning a septic system to serve the new home and barn and expect that system to be at minimum 400' – 500' from our property lines.
62. *Financial disclosure statement for all persons or entities having more than a 10% financial interest in the property to be developed.* Not applicable.
63. *Street address of each property shall be indicated on all plats.* Not applicable.

It was moved by S. McNicol, seconded by R. Dodds and carried to determine the application incomplete and to grant waivers for checklist item Nos. 28, 30, 33, 35, 36, 37, 38, 39, 47, 49, 54, 56, 58, 60, 62 & 63 and require the deposit of \$4,000 for the initial escrow deposit. All members voted **AYE** on **ROLL CALL VOTE**.

M. Augustine resumed her seat on the board at this time.

Conservation Plan Element – Public Hearing

J. Mathieu announced the public hearing on the Conservation Plan Element will not be held this evening. It has been adjourned until September 9, 2008 at 8:00 PM at the Kingwood Township Municipal Building located at the corner of Route 519 and Oak Grove Road, Kingwood Township, New Jersey. The Board members requested a copy of the plan be provided to them at least a week prior to the September meeting.

S. McNicol recused herself from her position on the board for the following matter.

D. Posey left the meeting for a brief time.

Silverson – Block 7, Lot 14 – Conceptual Plan

R. Lorentz, engineer, and J. Silverson, applicant, were present this evening for the matter. R. Lorentz stated the property is an irregularly shaped parcel that contains about 27 acres. R. Lorentz further stated what was previously proposed was a Class II subdivision calling for an access point coming through a portion of the property and a unusually shaped smaller lot which has frontage coming back into this portion of the property (as indicated on the overhead). The lots would be served by the access strip as well as two sizable flag lots in the rear portion of the property. They are now proposing to shift the access point to about 200' to the east and to

serve the property in this fashion with two relatively same shaped flag lots in the rear portion. They are creating a 2 acre parcel which includes the existing major barn toward the front of the property as well as some other smaller outbuildings on the property. It would be served as an adjunct to the Class II common drive. The only immediate variance the applicant would be requesting is that the proposed access strip would be less than 400' from a prior approved access strip which run along the eastern part of the major line. It serves three lots on the eastern portion of the property. There would be two driveways 265' apart. The key element of this proposal is the ability to preserve and possibly utilize the rather substantial barn on the property. It could be converted to a residence with a supplemental affordable housing unit or a series of affordable housing units in the barn along with a new dwelling elsewhere on the property. One of the back lots which is heavily constrained by the Cat 1 stream and its associated buffer, which diagonally dissects the lot, does retain a 4.8 acre buildable area after taking out the environmentally sensitive areas. Merging a portion of the lot with the existing lot that has the old farmhouse on it will make the lot approximately 4 acres in size. The application generates a need for $\frac{3}{4}$ of an affordable housing unit. There is a possibility of creating one full unit, if not more, if the barn is renovated.

D. Posey returned to the meeting

D. Pierce stated the Growth Share Ordinance allows for an increase in density for duplexes or triplexes in satisfaction for affordable housing.

S. McNicol resumed her seat on the board at this time.

Memo from Lindabury, McCormick, Estabrook & Cooper – Maximum Dwelling Size on Small Lots

D. Pierce reviewed his memo to the Board:

At the last Board Meeting, a discussion occurred regarding the ordinance limiting the size of dwellings to be constructed on lots of less than four acres to 3,000 square feet or less. At the Board's direction, the professionals have discussed this matter and believe that we need further direction from the Board before we can make any recommendation as to a proposed ordinance change.

Although it was the consensus of the professionals that the limitation of square footage of the dwelling should be measured in terms of the habitable area of the dwelling, there are other issues which such a definition would raise. For instance, what limitation, if any, should be placed on the size of ancillary structures, such as a garage. It was our thought that a size limitation on the principal dwelling could easily be frustrated by the construction of oversized ancillary structures unless a limitation was also placed on the size of those structures.

We believe that any such policy determination must involve a discussion of the underlying purpose of the restriction and what policies the Board seeks to advance through such regulation. Such purposes and policies may include managing the scale of development commensurate with reduced lot sizes or limiting the amount of impervious coverage and stormwater runoff generated by development on smaller lots.

A. Clerico reviewed Banisch and Associates memo:

The purpose of the memo is to provide the Board with information concerning imp coverage relative to the 3,000 square foot maximum dwelling size limitation associated with minor subdivision lots less than 4 acres.

In the Township’s AR-2 zoning district the schedule of lot and building requirements identifies the following permitted ratios of impervious coverage for (1) the principal building; and (2) all structures including the principal building and permitted accessory buildings.

Lot size	Max. Principal Bldg Coverage (8%)	Max Aggregate Impervious Coverage (13%)
2 acres (87,120 sf)	6,969 sf	11,325 sf
3.99 ac (173,804 sf)	13,904 sf	22,594 sf
4 acres (174,240 sf)	13,939 sf	22,651 sf
7 acres (304,920 sf)	24,393 sf	39,639 sf

The Planning Board identified the need to review the ordinance standard limiting the size of dwellings on lots of less than 4 acres to a maximum of 3,000 square feet, irrespective of whether the dwelling is constructed as a single story or as a two story dwelling. Under the permitted coverage standards identified in the ordinance it is apparent that existing impervious coverage standards permit considerably more coverage than would result from a 3,000 square foot dwelling, with a 3-bay garage, which would involve somewhere in the neighborhood of approximately 3,720 square feet of impervious coverage, not counting additional accessory structures on the lot.

The following table identifies estimated impervious coverage associated with the 3,000 square foot limitation on dwellings that are constructed on lots less than four acres:

Lot Size	3,000 sq ft limitation		Actual Coverage w/ an additional 750 sq ft.		Remaining available impervious coverage, as per the zoning schedule	
	(Principal Structure)		(Principal + Accessory)		Principal Structure	Accessory Structure
	Single story (3,720 sf)	Two story (2,220 sf)	Single story (4,470 sf)	Two story (2,970 sf)		
2 acres (87,120 sf)	4.20%	2.50%	5.10%	3.40%	3.8%, 5.5%	7.9%, 9.6%
3 acres (130,680 sf)	2.80%	1.60%	3.40%	2.20%	5.2%, 6.4%	9.6%, 10.8%
3.99 ac (173,804 sf)	2.10%	1.20%	2.50%	1.70%	5.9%, 6.8%	10.5%, 11.3%
4 acres (174,240 sf)	2.10%	1.20%	2.50%	1.70%	5.9%, 6.8%	10.5%, 11.3%
7 acres (304,920 sf)	1.20%	0.70%	1.40%	0.90%	6.8%, 7.3%	11.6%, 12.1%

D. Pierce stated the limitations were part of a compromise when the zoning ordinance was changed in 2005. The ordinance went to 7 acre zoning but allowed the 2 acre lots along the road. The compromise elected was to impose a limitation on the size of the houses on lots less than 4 acres in size. The compromise hoped to create a suitable mix of housing sizes, with some being more towards the affordable end.

The Board scheduled a workshop meeting for September 23, 2008 beginning at 7:30 PM to discuss Master Plan elements. R. Dodds will prepare the agenda.

Professional Services Contract – D. Banisch, Planner

It was moved by D. Haywood, seconded by L. Senus to appoint Banisch and Associates, Inc., as the Planners for 2008 for the Kingwood Township Planning Board. All members voted **AYE** on **ROLL CALL VOTE**.

CORRESPONDENCE

PRIVILEGE OF THE FLOOR

Street Graphics

D. Laudenbach requested zoning officer approval of any street graphics application. The Board was in agreement that the Zoning Officer should approve all street graphic applications with a written report.

Prior Approvals

The Board requested D. Laudenbach to write a letter to the Zoning Officer and Township Committee requesting enforcement of the conditions of approval for site plans granted by the Planning Board.

Engineer's Report

T. Decker provided a sample of the conservation easement markers the Honeyman application, Block 26, Lot 4, is proposing. The markers are flush to the ground. The Board was not in favor of the proposed markers.

T. Decker reported the fence has been installed around the detention basin on Block 22, Lot 16, which is a split rail fence with wire mesh on the outside.

T. Decker received a call on Block 17, Lot 15.01 regarding the huge berm they are installing. D. Pierce reviewed the requirements, according to the ordinance, regarding the need for a site plan.

In response to a comment from a Board member, it was suggested P. Lubitz attend the workshop meeting to address the definition of COAH units.

ADJOURNMENT

It was moved by R. Dodds, seconded by S. McNicol and carried to adjourn the meeting at 10:58 PM. All members voted **AYE**.

Respectfully submitted,

Diane Laudenbach

Diane Laudenbach, Secretary