

**MINUTES**

**PRESENT:** M. Augustine  
 R. Dodds  
 D. Haywood  
 J. Mathieu  
 S. McNicol  
 E. Niemann  
 L. Sensus  
 J. Strasser  
 D. Posey, Alt #2 (8:22 PM)  
 A. Clerico, Planner  
 T. Decker, Engineer  
 D. Pierce, Attorney

**ABSENT:** T. Kratzer  
 M. Synchron, Alt #1

**CALL TO ORDER**

The meeting was called to order by J. Mathieu at 8:01 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 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 S. McNicol and carried to approve the minutes of September 9, 2008 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by S. McNicol, seconded by R. Dodds and carried to approve the minutes of September 23, 2008, Worksession, and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except M. Augustine, J. Mathieu and J. Strasser, who abstained.

Resolutions

It was moved by M. Augustine, seconded by R. Dodds and carried to adopt **Resolution No. 2008-17 – Schlachter – Block 9, Lot 13 – Lower Oak Grove Road – Minor Subdivision**. All members present voted **AYE** on **ROLL CALL VOTE**.

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

Bunker Hill – Block 22, Lot 16 – Barbertown Point Breeze Road – Amendment to Prior Approval;

M. Vincent, attorney, was present for the amendment this evening. He stated the application is part of the Kingwood Manor major subdivision, which was formally owned by Laurelton Belmont. Two of the lots of the subdivision were approved with a common driveway with an elaborate driveway easement imposed providing for homeowner's alternating costs and sharing in capital improvements. Last summer the DEP had begun an investigation in regard to the extent of clearing on Lot 17.02 and 17.03. As a result of their investigation, it was determined there was additional room along the property line on both sides. The additional room will allow each lot to have their own driveway.

Gilmore and Associates provided the following review:

1. The 50ft wetland buffer limit as shown on the Drive Relocation Plan does not agree with the Final Major Subdivision Plat last revised September 11, 2006, as prepared by George A. Sniffin, PLS. Buffer as shown on the Drive Relocation plan does not appear to reflect the transition area averaging. *Satisfied.*
2. Applicant's engineer should address any additional impervious area created by the two driveways and it's affect on the approved stormwater management design. *Satisfied.*
3. Driveway accessing Lot 17.03 crosses the common property line with Lot 17.02 and runs through Lot 17.02 for approximately 230ft. The alignment of the driveway falls outside the limits of the existing common driveway easement. *Satisfied.*
4. Common property line between Lot 17.02 and 17.03 should be adjusted, such that each driveway is contained within the same lot for which it serves. *Satisfied. Driveways have been realigned in accordance with the filed property boundary.*
5. A proposed separation of 2ft is proposed between the driveways for distance of approximately 220ft. Maintenance of vegetation in this area may be problematic. *Separation has been increased to 8 feet*

T. Decker stated the applicant has addressed all their concerns.

Banisch and Associates provided the following memo:

1. The applicant is requesting relief from a condition requiring shared driveway access for two approved lots in the Laurelton-Belmont subdivision. The shared driveway access was required due to wetland environmental constraints, which constrict upland passage between the approved access road to the two home sites on approved lots Lot 17.02 & Lot 17.03.
2. The revised plan identifies two driveways, instead of the approved common driveway to serve Lots 17.02 and 17.03. Each driveway will be located on the lot to be served, separated by a distance of

approximately 8' for a distance of approximately 280' between the road and an upland portion of land that permits the driveways to diverge from one another. No proposed driveway now relies upon access across the adjacent lot, which was proposed on the last plan submitted.

3. The applicant references the NJDEP letter of June 5, 2007, which states that (second paragraph, last sentence) "Also, with respect to Lots 17.02 and 17.03, the Bureau has determined that the transition area reduction depicted on Severino's Final Major Subdivision Plan dated 2/13/06, last revised 9/11/06 is substantially in compliance with the Department approved site plan that depicts the modified transition areas for the site" as the reason why a proposed modified dual driveway access may be granted by the Board to amend the condition requiring shared driveway access.
4. The Severino Final Major Subdivision Plan dated 2/13/06, last revised 9/11/06 was not included in the submission reviewed by our office.
5. The applicant's letter states that (second page, first paragraph): "It now appearing that sufficient uplands exist to access each lot independently, it is respectfully requested that relief be granted from the condition of approval regarding a common driveway and a driveway easement, so that Lots 17.02 and 17.03 may each have a driveway. Certainly, it will be better for the homeowners if they have, and maintain, their own driveways so as to avoid any future conflict between adjoining property owners."
6. The proposed additional driveway will increase impervious coverage and stormwater runoff. It appears that the increase would be modest (i.e. approximately 3,000 sq. ft., however no stormwater management details are provided on the plan as to how the increase in stormwater is to be managed in this area where stormwater management is of concern. Another consideration may be the closer proximity of the proposed driveways to the edge of the transition areas, which appear to pose no benefit.
7. From a planning perspective, we believe that the potential benefits of the proposed parallel driveways do not outweigh the existing approved shared driveway access for the two lots.
8. If the Board is inclined to approve the modified driveway design, and wishes to avoid an has a concern about the awkward appearance of two parallel driveways adjacent to one another, the Board may wish to require the applicant to provide landscaping, such as a hedge, between the two parallel driveways.

It was moved by J. Strasser, seconded by L. Senus and carried to approve the amendment to prior approval with the following conditions:

1. The condition of approval requiring Block 22, Lots 17.02 and 17.03 is hereby deleted and excised from the approval.
2. All other conditions of approval not specifically amended by this resolution shall remain in full force and effect.

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

E. Niemann resumed her position on the Board.

Gross/Rey – Block 5, Lot 4 – Ridge Road

J. and R. Gross, applicants, and R. Finelli, architect, were present for the hearing this evening.

Gilmore and Associates memo:

1. Subject property is located on Block 5, Lot 4 consisting of 69.18 acres having approximately 1,718 feet of frontage on Tinsman Road and 801 feet along Ridge Road. The site is currently improved with an existing farmhouse and accessory buildings in the vicinity of the corner of Tinsman and Ridge Road with the majority of the property currently an open field. A water way and wetlands area is located in the northern portion of the property.
2. Application proposes the construction of a single-family residence proposed on an arena and series of horse products on the property.
3. Plans should be revised to reflect the wetlands as approved in the NJDEP Letter of Interpretation.
4. Septic location to the existing dwelling should be added to the plan set.
5. Documentation has been provided with the submission package regarding water usage for the site. The applicant anticipates housing a maximum of 16 horses and estimates that the average consumption is approximately 8 to 10 gallons per day per horse for a total of 128 to 168 gallons per day. The documentation further states that a 3-bedroom farmhouse is anticipated with an allocation of 200 gallons per bedroom per day or 600 gallons consumption per day. The total anticipated consumption for the site is 760 gallons per day. Our office defers to Township Hydrogeologist Vince Uhl for review of the water data as provided, however offer the following comments:
  - a. The applicant should clarify if the 8-10 gallons per day consumption per horse includes a wash down or any other activity on the site.
  - b. As the anticipated 760 gallons per day is just under the 800-gallon per day threshold for an Aquifer Test. It may be appropriate to restrict the property to a maximum of 16 horses and a 3-bedroom farmhouse subject to aquifer testing.
6. Applicant proposes to attenuate stormwater management through the use of drywells collecting roof runoff. Dry well sizing calculations are provided on the plans. While we support the use of drywells for this purpose, additional calculations are required to demonstrate the following:
  - a. Stormwater runoff reductions in accordance with NJDEP stormwater management regulations requiring reductions for the 210 and 100 year storms of 50%, 5% and 20% respectively.
  - b. Groundwater recharge requirements have been satisfied.
  - c. Soil testing to demonstrate adequate infiltration rates in accordance with NJDEP Best Management Practices.
7. Building dimensions and distances to property lines should be shown on the plan.

T. Decker stated all the requested information has been provided. He recommends the site plan be revised to add the wetlands as per the wetlands delineation plan submitted tonight and the location of the septic for the existing dwelling be indicated on the plat. He stated on the issue of water usage he would defer to V. Uhl. He stated 8 to 10 gpd per horse and 200 gpd per bedroom would total to approximately 760 gpd, which would be just short of requiring the aquifer test. He inquired of the applicant if the calculations include the consumption and washing down of the horses. J. Gross responded the calculation was all inclusive.

R. Finelli distributed copies of the LOI to the Board members indicating the wetlands delineation dated August 9, 2006. T. Decker commented this is a copy of a previously issued LOI from the DEP and associated map.

D. Pierce swore in J. Gross and R. Gross.

J. Gross stated the application is for preliminary and final site plan approval. The application is for approval for a new house with the existing farmhouse to be categorized as an auxiliary farm building and the construction of a barn larger than the permitted 5,000 sq ft. Due to the foregoing requests, review and approval by the Planning Board is required. They received a completeness determination at the September meeting. They have found a full LOI with the DEP. They have brought additional maps and updated plans for the Board. The stormwater calculations have been provided. J. Gross stated the water usage calculations were all inclusive.

D. Posey entered the meeting at 8:22 PM.

R. Finelli stated any change in the building will trigger several issues. He also stated the existing well would serve the existing house and new barn and a new well will be installed for the new house.

A. Clerico questioned about the two dwellings on the property. D. Pierce responded the applicant's amended their application to include a request for a variance. A. Clerico inquired about the parking area in front of the area. R. Finelli stated the area adjacent to the parking is 180' wide which is sufficient to park 18 cars and provides for ample room for a horse trailer to turn around. A. Clerico expressed concern for emergency vehicles being able to maneuver in the driveway. T. Decker responded the applicant had received a letter from the fire chief approving the design.

D. Pierce swore in R. Finelli and S. Risse.

In response to a question by a Board member, R. Gross stated there isn't a firm plan yet for the barn and if they would be having boarders.

R. Finelli testified any lighting would be over an entrance and down cast.

S. Risse testified the septic system for the existing dwelling is on the right side of the dwelling, closest to Ridge Road, as indicated on the submitted plan.

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

It was moved by R. Dodds, seconded by L. Senus and carried to approve the above application with the following conditions:

1. Submission of plans revised to:
  - a. Reflect the boundaries of the freshwater wetlands consistent with the boundaries as

- determined by the New Jersey Department of Environmental Protection;
- b. Label the location of the septic tank and field for the existing dwelling;
  - c. Show building dimensions and the distance from the buildings to the property lines;
  - d. Show that the existing well will be used to serve the new barn/arena.
2. Submission to and approval by the Board engineer of additional stormwater calculations as referenced in paragraph 6 of the letter from Thomas Decker to the Board dated October 10, 2008.
  3. Receipt of approval from the Board's hydrogeologist and compliance with any conditions that he may specify.
  4. The applicant shall submit proof of receipt of unconditional County Planning Board approval.
  5. Receipt of approval from the Hunterdon County Soil Conservation District of the applicant's soil erosion and sediment control plan.
  6. 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:
    - For all new residential development – two percent of the equalized assessed value of the new residential development;
    - Expansion of existing structures by fifty percent (50%) or more is subject to imposition of the development fee.

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. The State of New Jersey has enacted a requirement that for all new non-residential development, the developer must pay a development fee to the Council On Affordable Housing equal to two and one-half percent (2½%) of the value of the new residential development. Any applicable non-residential development fee must be paid in accordance with applicable law.

This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.

7. 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.
8. 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.

9. 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. 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.
10. 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.

In the event this applicant sells or otherwise transfers all or part of this project to any other developer, assignee, person or entity, the escrow accounts and Bonds posted by the applicant herein, shall not be released whole or in part, until the successor developer, assignee, person or entity has posted sufficient review and inspection escrows and Bonds as determined by the Township Attorney and Chief Financial Officer and countersigns the existing Development Agreement, (if any) as directed by the Township Attorney.

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

Mironchik – Block 19, Lot 10.07 – Fitzer Road

M. Mironchik, applicant, was present for the application.

Gilmore and Associates provided the following memo:

1. Subject application is for a Minor Class I Subdivision as existing Block 19, Lot 10.07 fronting on Fitzer Road AR2 Zone. Total existing tract area is approximately 7.73 acres with wetlands located along the southern property line with an associated 50 foot wide buffer transition area. The proposed subdivision creates Lot 10.13 with lot area of 2.25 acres and remaining Lot 10.07 with an area of 5.12 acres. The application appears to fully comply with the bulk zoning requirements for the AR2 agricultural residential zone for a Class I Minor Subdivision.
2. The plans as submitted do not indicate any existing or proposed improvements. In accordance with Kingwood Township Ordinance and NJDEP Regulations, properties classified as Major Development must provide stormwater management. Major Development is defined as any increase of impervious surface of ¼ acre or more or 1 acre of land disturbance. These thresholds are accumulative over the subject property and are not on a per lot basis.

3. Applicant should demonstrate that the proposed lots can be improved without exceeding the thresholds of a Major Development. Should these thresholds be exceeded, a stormwater management plan will be required.
4. Should the applicant demonstrate that the major development threshold would not be exceeded, stormwater management design would not be required. However as the stormwater management regulations would apply to any future development of the property, provisions should be included within the deed language regarding the requirements for stormwater management. Since two lots are proposed, limiting each lot to 1/8 acre of additional impervious and 1/2 acre of disturbance may be appropriate.
5. A conservation easement is proposed along the outer boundary of the 50-foot wide wetland transition area. It has been the Board policy to require conservation easement markers at angled points along the easement and where it intersects proposed or existing property lines. Easement markers are to be composed of a wood simulated composite material approximately 4"x4" inch extending 3 to 4 feet above road with an attached plaque indicating "Conservation Easement Subject to Local and State Regulations".

M. Mironchik stated all the items in Gilmore and Associates memo have been addressed. She inquired, regarding #2 of the above memo, if they were required to obtain. T. Decker responded there is a state regulation and a municipal ordinance regarding stormwater management which is triggered by a 1/4 acre of disturbance. T. Decker further stated the applicant is not aware of the size of the house that will be constructed on the lot. The 1/4 acre is the total for both lots. When the building permit is applied for and if the impervious coverage exceeds the allowable amount, the applicant for the building permit would have to submit the stormwater management. Since there are only two lots, the 1/4 acre would be divided so that 1/8 of an acre would be allowed on each lot. It should be incorporated as part of the deed language.

Banisch and Associates provided the following memo:

1. This is a Class I minor subdivision of Block 19, Lot 10.07. Lot 10.07 totals approximately 7.73 acres. The applicant proposes to create a 2.24-acre lot (proposed Lot 10.13). The remaining parcel (Lot 10.07) will be approximately 5.11 acres.
2. Plans show that a conservation easement is to be provided on Lot 10.07. Plans should mark the location and provide a detail on the plan of proposed easement markers, as per the Township's Conservation Easement Ordinance and guidelines.
3. There are no proposed limits of disturbance, as there appear to be no improvements proposed at this time. The Board should condition future improvements on this lot to be subject to prior approval of an individual lot grading plan, identifying limits of disturbance and any stormwater management that may be required, by the Township Engineer.
4. A note should be added to the plan that development of each lot is subject to compliance with the NJ Stormwater Management regulations.
5. In our prior report, we raised the question as to whether proposed Lot 10.13 required variance relief for minimum lot width (250' required/230.45' proposed). We have reviewed the ordinance

requirements for a Class I Minor Subdivision, and find that 200' of frontage is required along a public road existing as of April 30, 1996. No lot width requirement is identified for a Class I Minor subdivision. Therefore, no variance relief is required for lot width.

M. Mironchik inquired about the conservation easement markers. Since the property is being farmed actively, have the markers in the fields could cause possible difficulties. After some discussion, the Board agreed to require two markers, on the property lines, with the easement recorded with the deed.

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

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

1. Review and approval of the Deeds by the Board's professionals.
2. Review and approval by the Board's professionals, and recordation, of: conservation easements for Lots 10.07 and 10.13, including both a metes and bounds description and a graphical depiction of the area and 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;
3. All conservation easements shall be delineated in the field prior to the issuance of any building permit by the installation of markers at the outer boundary lines of such areas where such boundary lines intersect the outer edge of the area subject to the conservation easement. The form of marker shall be subject to approval by the Board's planner;
4. Prior to the issuance of a building permit, the applicant shall submit a baseline documentation report for all conservation and stone row easements documenting with photographs the condition of the easement area;
5. Submission of a concept grading plan and stormwater management plan to, and receipt of approval thereof from, the Board engineer prior to the issuance of a building permit for each lot.
6. 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.
7. 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.

8. Receipt of unconditional approval from the Hunterdon County Planning Board.
9. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
10. 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:
  - For all new residential development – two percent of the equalized assessed value of the new residential development;
  - Expansion of existing structures by fifty percent (50%) or more is subject to imposition of the development fee.
  - 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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 present voted **AYE** on **ROLL CALL VOTE**.

Perrotti – Block 23, Lot 11 & 11.01 – Determination of Completeness

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

Precision Drilling – Block 12, Lot 8 – Conceptual – Route 12

L. Tubman of Archer & Greiner, attorney, R. Lorentz of Heritage Consulting Engineers, engineer and J. Errickson, applicant, were present for the matter this evening.

L. Tubman stated the matter this evening is to have the Board consider a recommendation to the governing body for a zoning change and an ordinance definition amendment. The applicant has two companies on Route 519 and proposes to relocate them to Block 12, Lot 8, located on Route 12. The applicant has provided a zoning report prepared by his company.

D. Pierce swore in R. Lorentz and J. Errickson.

L. Tubman stated the property is located in the AR zone adjacent to the Highway Commercial zone. Immediately across the street is Village Commercial zone.

R. Lorentz testified the property is an “L” shape, running off of Route 12, down a little, but out in the back. It comes up to the front and cuts across Ken’s Auto Body and then back out to Route 12. The Highway Commercial zone (HC) is westward to this line and then follows the property line of the property in question. West of the line is the AR-2 zone and across the highway is the Highway Commercial zoning extending in excess of 1000’ westerly. On the north side of the highway it is predominantly zoned HC. He had prepared an analysis of the current situation and surrounding uses to this property. He provided a series of photographs and identified the sites in the photographs. Next door is the Copper Creek Landscape Management, which is a landscaping company which utilizes some equipment trucks which are easily visible from the highway. Directly across from Ken’s Auto Body, is the Discount Auto Service and the garage operation associated with it. Further to the east are Hunterdon Lanes with a large parking area in front of the building. Further to the west, in the area of the zone extension is Kocsis Auto Repair and Vicari Motors. The area contains heavily developed sites. Further west is the Shack, formerly Errico’s. He stated the provided some pictures of the sites as well as several others, including Lutz Welding, further east on Route 12. East of Baptistown is a relatively new business park as well as RTS packaging, which are quasi industrial properties. The site itself is gently sloping and extends a considerable distance back from the highway. The building would be placed

approximately 350' from the highway directly behind the auto body operation. The reproduction of the concept plan submitted with the request for hearing was marked as Exhibit A-10, dated 10/14/2008.

L. Tubman stated the purpose of the meeting is for a request for a recommendation to the governing body. It is a conceptual plan. R. Lorentz the presentation shows a way this property could be designed to suit the applicant's purposes and provide some of the benefits noted in the report. The plan provides a more adequate and less intrusive storage of the large equipment utilized in the operation of the business. It provides more convenient access. It is remote from the highway but provides straight access. Most of the operation of the business will be conducted within the building. The yard is for storage, a waiting for parts place. Behind the building will be fenced and screened by supplemental plantings in addition to the natural tree rows that surround the property. There is a 2% cross slope on the property. It lends itself to the development of the large area without introducing erosion problems. There is a potential stormwater management area in the extreme rear of the property, which is the lowest portion of the property. The plan notes the presence of freshwater wetlands in the central portion of the property and there will be a need to cross a small prong of wetlands with the access driveway. The property is currently in corn. He does not know the value of the wetlands but at most will be intermediate and would not be required to be made up. They would apply for a GP 10 permit for a minor road crossing and they are not proposing any buffer averaging.

In response to a question from a Board member, J. Errickson testified all the materials located at the Route 519 site will be moved to this site. The applicant would be willing to have some members of the Board visit the current location of the business.

R. Lorentz testified the stormwater management facility would be a dry open detention basin of approximately half or one acre in size. There might be a retention or infiltration facility. There would be an opportunity to introduce some features in the large storage area that would produce infiltration before run off on the site. It appears that stormwater management on the lot is feasible. There is a natural broad swale in the wetlands area that cannot be altered. The parking area would be stone for the use intended but there isn't a whole lot of difference at the infiltration rates. There is an ability to put infiltration filters adjacent to the drive.

L. Tubman stated if the governing body would see fit to rezone, a site plan application would be presented to the Board. The current operation is in a residential zone and could not be re-established.

Banisch and Associates provided the following memo:

1. The applicant is seeking a zone change from AR-2 to HC for a parcel of land on Route 12. The applicant is also requesting a zoning ordinance amendment to change the permitted uses in the HC zone to permit the establishment of his well-drilling and equipment and materials business on the piece of land for which a zoning change is requested.
2. The applicant currently owns and operates Precision Drilling located on Route 519 in Kingwood Township and proposes to relocate the business to Block 12, Lot 8 on Route 12.
3. The subject property is on Route 12 is in the AR-2 Zone, directly adjacent to the HC Zone. The applicant requests to rezone the subject property to the HC Zone so as to continue his business in this new location and comply with the requirements of the HC Zone.
4. In Mr. Errickson's report entitled Planning Report in Support of Rezoning Request for Lot 8, Block 12, prepared by Precision Drilling, Inc. & Errickson Equipment, Inc., the applicant state "Mr.

Errickson would like to relocate the existing company facilities for Precision Drilling, Inc. and Errickson Equipment, Inc. from their current location on County Route 519, also in Kingwood Township, to Lot 8, Block 12.”

5. The applicant further requests to amend the permitted principal uses (Section 132-4) of the HC Zone to include “mechanical contractors” and to establish an ordinance definition of this term as “storage, repair, maintenance and sale of heavy equipment including cranes, drilling rigs and compressor as well as the storage of equipment and materials used in such operations.”
6. We offer the following comments, from a planning perspective, on the proposed relocation of the drilling and equipment sales business and rezoning the subject property on Route 12.
  - (1) The business is described as a subsurface drilling and equipment sales business. Typical equipment sold by the company includes drill rigs, cranes, air compressors, drill bits and augers, steel pipe or casing, etc. At its current location in a wooded area of the Township along Route 519, equipment such as the cranes, drill rigs, and pipes are visible from the road.
  - (2) Block 12, Lot 8 totals approximately 17.452 acres along the south side of Route 12 approximately X miles east of Frenchtown. There are sweeping views of the surrounding farmland at this location. As indicated in photographs submitted by the applicant, adjacent businesses include a landscaping company, an auto service business, and a repair shop, which are all located within the HC Zone.
  - (3) The applicant also submitted a series of photos of buildings located on Route 12 approximately X miles east of Route 519, which include manufacturing and warehouse type buildings businesses that are zoned Business Park - BP Zone.
  - (4) The permitted uses for the Highway Commercial (HC) District are found at Section 132-34 of the ordinance, and include the following:
    - a. uses principally permitted in the VC-1 and VC-2 Districts\*
    - b. mini-warehouses and veterinary hospitals
    - c. nurseries and garden centers (not including greenhouses), feed and grain outlets, theatres, bowling alleys, department stores, automobile dealerships and supermarkets.

\*Mechanical contractors are a principal permitted use in the VC-2 District. At Section 132-33, the purpose statement for the VC-2 (and VC-1) district provides the following statement: “The purpose of these two districts is to provide the opportunity to develop appropriate commercial services of a convenience nature and to provide for the development of commercial goods and services in and around the village of Baptistown.”

We question whether the character, scale and extent of the existing Precision Drilling, Inc. & Errickson Equipment, Inc. operation on Route 519 may be inconsistent with scale of ‘mechanical contractor’ use that is permitted in the HC zone, which is to provide for highway commercial uses that respond to the needs of a broader service area than the VC zones.

7. The concept plan submitted for the subject parcel (Block 12, Lot 8) proposes a series of improvements, as summarized below:
  - (1) A 6.15-acre gravel-surfaced, fenced-in storage yard for pipe and heavy equipment, to be screened by proposed landscaping consisting of a row of trees.
  - (2) A building approximately 20,800 sq. ft. in size.
  - (3) A paved driveway and 36 parking spaces.

- (4) A 200' long landscaped berm extending along the westerly side of the access driveway, with screening for adjacent properties at the front of the property.
- (5) A small stormwater management facility located in the southwest corner of the property to the rear of the site.

8. The plan shows a wetland area approximately two acres in size that the applicant proposes to cross with the driveway.

A. Clerico stated she has driven past the property on Route 519 and there is a lot of equipment which is very visible from the road. The Board should consider the visual impact from the road. This is not a business which is like any of the other businesses adjacent to it. Looking at the purposes of the HC zone, it is more services of a commercial and convenience nature. She is calling into question if this type of business promotes those purposes or not.

In response to a question by a Board member, J. Errickson responded he has a well driller' license, a State of New Jersey Contractor's license and PA DOT licenses. He does a lot of work for New Jersey, Pennsylvania and New York. Some employees are gone for the whole week. The repairs on done on the premises. He has someone come in and get his waste oil. They don't work on smaller vehicles just on the big stuff. Most of his companies sales are overseas, approximately 50%. He rents out bits. There is not a facility such as his for approximately 100 miles. It is not your normal retail. He has customers coming in from Costa Rico. The fenced area is approximately 10 acres. Due to the type of equipment he intends to store, the parking area would have to be gravel. The fencing would be the normal 6' with barbed wire on one side. He is one of the largest employers in Kingwood Township. He has been in business for approximately 30 years. His two sons, ages 16 & 18, work with him in the business. He employs approximately 30 employees. His number of employees has stayed the same for the last 15 years. He is agreeable to storage of the equipment to be set back 75' from the property line.

R. Lorentz stated the plan, as drawn, creates 42.6% impervious coverage, which includes all features. The fenced area is marked as surrounding the area in gray. They are proposing a large stone area with a drywell underneath for the stormwater facility. Berming along the edge could help the runoff. The stormwater facility would come under the regulations from the DEP.

J. Mathieu called for comments from the public.

C. Niciecki, 1116 Route 12 - commented her property is on the southern boundary of the subject property. She stated the zoning changed should be denied because the property is in an environmentally sensitive area, contains wetlands and headwaters of a tributary to Copper Creek, a suitable habitat ranking on Kingwood's ERI, a grassland habitat with a ranking on Kingwood's ERI. She stated any stormwater runoff would wash down the driveway and into another tributary which goes to Copper Creek. There is a potential for contamination. There is a danger of hydraulic and diesel fuel leakage. The Planning Board was advised by the Agricultural Advisory Committee to consider the impact of their decisions on neighboring properties. The property was zoned as it is because of the environmental sensitive headwaters. It has been farmed for many years. It is adjacent to preserved farmland, which has been preserved since 1991. The field that is next to the southern boundary is an established grassland bird habitat. The Township has its master plan in place and the Board should adhere to it. The zoning should not be changed as you go.

L. Schmid – Tumble Idell Road – inquired if this would qualify as spot zoning. D. Pierce stated it could be viewed as spot zoning. The Board would have to make particular findings, as well as the Township Committee.

It would not be done for the benefit of the owner of a single lot. A reason resolution would have to be adopted indicating why it would be appropriate to deviate from the zoning.

D. Pierce stated the board members should be polled if they are in favor of a sight visit to investigate the use of the property. The Board could take the matter under advisement or reach a decision this evening.

L. Tubman stated the applicant is seeking an extension of the HC zone to include this property and for an expansion of the definition of mechanical contractors for the equipment this company utilizes. The ordinance permits mechanical contracting but the definition of what constitutes that use is not in the ordinance.

After some discussion, J. Mathieu, R. Dodds, S. McNicol and A. Clerico will visit the site on Route 12 as well as the business operation on Route 519.

E. Niemann and R. Dodds recused themselves from their positions on the Board for the following matter.

Laurelton/Belmont – Block 22, Lot 16 – Hammer Road – Determination of Completeness

W. Wilson, attorney, was present for the application this evening. The application has been before the Board several times. They are not proposing creating any new lots. It is a land swap for the ROW.

T. Decker stated it is a previously approved subdivision. The purpose is to resolve the land transfer. There are no completeness items.

D. Pierce stated all the approvals have been previously granted. The application is to confirm and perfect the boundary line adjustment dealing with the access.

W. Wilson stated it is a land swap. The existing lot and the large parcel were subject of the subdivision. It should be considered as sort of a phase. It is a separate application as a minor subdivision. It is a housekeeping aspect without filing of the final map.

It was moved by S. McNicol, seconded by D. Haywood and carried to deem the application complete. All members present voted **AYE** on **ROLL CALL VOTE**.

E. Niemann and R. Dodds resumed their seats on the Board at this time.

Cacciabauda – Block 37, Lot 3.05 & 3.06 – Variance – Federal Twist Road –

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

Perrotti – Block 23, Lot 11 & 11.01 – Determination of Completeness

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

Honeymar – Block 26, Lot 4 – Kingwood Locktown Road – Request for Extension of Time to File;

S. Honeymar, applicant, was present for the matter. They received the letter regarding the conservation easement marker on October 1, 2008. S. Honeymar stated she needs guidance as to the type of marker the Board is requiring.

After some discussion, the Board members determined they need to get an exact example of the plaque for the conservation markers.

It was moved by M. Augustine, seconded by L. Senus and carried to grant a 90 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

#### Conservation Plan Element – Public Hearing

A. Clerico stated she has made some additional revisions to the plan. She had provided to the Board a memo summarizing the changes. A typo was found on page 19, 3<sup>rd</sup> paragraph from the top, regarding the Oak Summit School. A. Clerico stated she will make the correction.

J. Mathieu opened the hearing to the public. No comments were heard.

It was moved by S. McNicol, seconded by R. Dodds and carried to adopt the Conservation Plan Element. All members present voted **AYE** on **ROLL CALL VOTE**.

#### Proposed Ordinance No. 15-24-2008

D. Pierce stated the proposed ordinance is to change the COAH regulations to conform to the recent legislative requirements which impose a 2.5% fee on all non-residential development.

It was moved by R. Dodds, seconded by S. McNicol and carried to recommend adoption of proposed Ordinance No. 15-24-2008 to the Township Committee. All members present voted **AYE** on **ROLL CALL VOTE**.

#### LKR – Block 28, Lots 30 & 36

D. Pierce reported to the Board the litigation for the LKR has been dismissed. The owners are in negotiations with the State and have withdrawn their suit.

#### **APPLICATION STATUS**

Laura Properties – Block 8, Lot 25.01- Deed release;

#### **CORRESPONDENCE**

J. Mathieu reviewed as per the agenda.

#### **PRIVILEGE OF THE FLOOR**

C. Niciecki – stated the Conservation Plan Element is a good document and everyone should read it and apply it to what Mr. Errickson is requesting and come to the right decision to say no.

S. McNicol stated, to T. Decker, the Agricultural Advisory Committee felt now was the time to review the run off from farm fields.

R. Dodds would be working on the conservation easement plaques.

D. Pierce will be providing to the Township Committee for the November meeting a proposed ordinance dealing with the conservation easement markers. If the Township Committee introduces and adopts on first reading, it will be referred to the Planning Board for recommendation of adoption at the November meeting.

Newspaper

It was moved by D. Haywood, seconded by J. Strasser and carried to designate the Hunterdon County Democrat at the official paper for the Planning Board for the remaining time in 2008. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **ADJOURNMENT**

It was moved by R. Dodds, seconded by S. McNicol and carried to adjourn the meeting at 10:11 PM. All members present voted **AYE**.

**Respectfully submitted,**

**s/Diane Laudenschach**

**Diane Laudenschach, Secretary**