

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood
J. Mathieu
S. McNicol
E. Niemann
L. Senus
J. Strasser
M. Syrnick, Alt #1 (7:55 PM)
D. Posey, Alt #2
D. Pierce, Attorney

ABSENT: T. Kratzer

CALL TO ORDER

The meeting was called to order by R. Dodds at 7:32 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 Hunterdon County Democrat and Courier News, 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

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

Galleria – Block 39, Lot 7 – Minor Subdivision – Amendment of Approval

G. Dilts, attorney, and B. Casuscelli, applicant, were present for the application this evening.

D. Pierce stated he has reviewed the notice of publication and proof of mailing and the applicant has satisfied the notice requirements.

G. Dilts stated his requests this evening are in regard to paragraphs nos. 12, 20 and 21 of the approving resolution. G. Dilts stated the application was for a one lot subdivision with a variance. In reference to a conversation he had with D. Pierce, G. Dilts stated the reason the Board held the applicant to a higher standard than the well ordinance required was because there was a variance required. The ordinance does not require an aquifer test for a one lot subdivision. He stated the current well ordinance is extremely comprehensive. There

have been several changes to the ordinance within the last year or so. He inquired if it was the intent of the Board to hold this applicant to the higher standards of requiring an aquifer test. In regard to the escrow for well rehabilitation, the ordinance states subdivisions creating one new lot are exempt from the \$3,000 escrow. He stated COAH has been a moving target for Townships. The fee, when the application was approved, was somewhere north of \$300,000, a housing unit. The amount has been changed to \$144,000 per unit. The applicant agreed to construct the COAH unit because his contribution would be in the range of \$150,000. The applicant is required to contribute 1.5% of the assessed value of the new construction according to the new COAH rules. He is requesting the payment for the COAH be due at the time the permit is issued.

B. Casuscelli was sworn in by D. Pierce.

B. Casuscelli testified at the time of the hearing, he was in favor of the accessory apartment to allow parents and family to live together. After some research, he found out there was no choice in who the apartment was rented to and he now disagrees with that condition.

D. Pierce stated the unit was factored in to the Township's COAH plan. The applicant has not perfected the subdivision. He could let the approval lapse. He could reapply with a new subdivision subject to the current statutes. Minor subdivision and preliminary majors are granted protection in changes in the law, zoning and design requirements. The obligation for an affordable housing contribution does not vest at the time of approval. It vests at the time a building permit is issued. The applicant is well within their rights and could create a new application. In regard to the well ordinance, G. Dilt's interpretation of the ordinance is correct. Absence of any other factor, the application would not have to do an aquifer test but a pump test. It is his recollection the Board was quite concerned about the water availability in this particular section of the Township. The Board can impose conditions above and beyond the existing ordinance.

G. Dilts, in response to a comment by a Board member in regard to revisiting approvals and their conditions, stated he was not here a year ago. G. Dilts stated he was not sure why B. Casuscelli got elevated to the next level for this subdivision. If there was a reason, he did not see it. The ordinance is very comprehensive and far reaching. It is very onerous. He is asking the Board for their consideration for the two items.

D. Pierce stated there is no specific reference to the mention of an aquifer test in the minutes.

M. Syrnick arrived at the meeting at 7:55 PM.

R. Dodds stated there was a reason why the Board made the decision last year. The applicant has had plenty of time to review the conditions and object. The Board needs to have knowledge of the testimony provided last year in order to determine their reasoning for making the condition.

D. Pierce stated the only process would be to adjourn the hearing and transcribe the tape from the meeting.

G. Dilts stated if the Board waits a month, the window of opportunity will be gone for the application. If the Board is concerned about yield, the three part pump test will give you enough information.

B. Casuscelli stated he cannot close on the property until he receives the deeds. His rate could expire.

It was moved by J. Strasser, seconded by L. Senus and carried to amend the approving memorializing resolution by:

1. Condition number 2 of Memorializing Resolution 2008-14 is hereby amended to read as follows:
 - “2. *Revision of the deeds to include:*
 - a. *Language restricting the dwelling size on Lots 7 and 7.02 to 3000 square feet of living space, excluding the basement;*
 - b. *Language restricting the total impervious coverage and disturbance of each lot to the areal extent agreed upon by the applicant and the Board engineer pursuant to condition 3;*
 - c. *Language requiring the piping of all roof drains to dry well collectors.”*
2. Condition number 12 of Memorializing Resolution 2008-14 is hereby amended to read as follows:
 - “12. *Completion and submission of the results of a passing three part pump prior to the issuance of a building permit for each lot.”*
3. Condition number 18 of Memorializing Resolution 2008-14 is hereby amended to read as follows:
 - “18. *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. That applicant shall pay a developer’s fee as required by the Kingwood Township ordinances in effect at the time of issuance of a building permit for each lot. The applicant shall pay fifty percent (50%) of the estimated developer’s fee to the Kingwood Township prior to the issuance of each building permit 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 each new dwelling.”*
4. Condition number 20 of Memorializing Resolution 2008-14 is hereby amended to read as follows:
 - “20. *The applicant shall establish an escrow for professional review of the three part pump test as required pursuant to Kingwood Township Ordinance Section 153-35 B.”*
5. Condition number 21 of Memorializing Resolution 2008-14 is hereby deleted in its entirety.
6. Condition number 22 of Memorializing Resolution 2008-14 is hereby deleted in its entirety.
7. All other conditions and provisions of the Memorializing Resolution 2008-14 not expressly modified above shall remain in full force and effect.

All members present voted **AYE** on **ROLL CALL VOTE**, except M. Synchron, who abstained.

E. Niemann resumed her seat on the Board at this time.

BDAC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Amendment of Subdivision Approval with variances

D. Pierce stated he has reviewed the notice of publication and proof of mailing and the applicant has satisfied the notice requirements.

G. Dilts, attorney, and A. Belle, principle in BDAC, were present this evening.

A. Belle was sworn in by D. Pierce.

G. Dilts stated he was approached more recently with regard to this application. He thanked the Board for allowing BDAC to appear before them. The Board has been more than kind in their efforts to hear his concerns. The well ordinance has been a source of confusion, some of the problems and some rather healthy expenses. He was not present for the original hearing. He was not present when the resolution was amended the last time. The last time the applicant was before this Board, they believed the matter would be handled by the Board of Health. The Board of Health is not dealing with it but leaving the interpreting to the Planning Board. There have been amendments to the well ordinance recently.

A. Belle stated he is the Trustee of 37 Barbertown Point Breeze Road Land Trust. His wife and he are the beneficiaries of the trust.

G. Dilts stated the application was for a two lot subdivision with remaining lands. Condition #22 deals with COAH and there are other aspects of how this will not work in this situation. The ordinance was changed in regard to well escrow and rehabilitation to replace the word "well" with "lot". Therefore, with two lots, there are two escrows. It should be timed to go with the building permit. The applicant feels he should be required to do the 3-part pump test. He has already performed the 3-part pump test. The resolution requires the performance of an aquifer test. Condition #24 establishes an escrow for the aquifer test. The applicant feels at this time he is only required to perform the 3-part pump test. The applicant will be required to do the aquifer test once he exceeds the 800 gpd. Subscript 3 adds another complicating issue. It does not say less or equal to and the published copy does not agree with the filed copy.

D. Pierce stated the Board has the discretion of hearing this request or taking the position that the subject matter has been considered and determined on the merits and the Board is not required to hear this request again. The danger or theory of the doctrine of *res judicata* is to prevent litigants from coming back and arguing the same issue time and time again. There may be additional information that was not presented the first time and the Board may want to take that into consideration.

G. Dilts stated the applicant has a bit of new information. There was an amendment to the well ordinance in June of 2008 and again in June of 2009. The later ordinance amendment will probably shed some new light on one of these very specific items. It replaced the term "well" with "lot" and talks about new lots. It specifically stated escrow shall be required for each new well. The change required the escrow for each new lot. The ordinance does not state lot and remaining lands. The June 2009 amendment required, under Section 153-35 Fees, a change in the escrow from \$500.00 to \$1,500.00 per well. The end of subsection 153-35(e)(1) requires an escrow of \$3,000.00. At some point the fees, in certain instances, make the project prohibitive. This Board and to some extent the Board of Health should be cognizant of that fact. The last item is the COAH unit. In order to construct a COAH unit, the applicant would be required to double the size of his septic system, making it prohibitive with the collection of a \$600.00 rent.

A. Belle testified, at the July meeting the Board determined they were not looking at any of the well issues. The Board of Health was to deal with the well issues. These issues have not been hashed out by this Board but put off until the Board of Health would deal with them. The Board of Health attorney stated she would not be dealing with the issues. He requested the Planning Board to make the determinations in regard to the testing that will be required for his application. The front lot has a 3,000 sq ft restriction on the size of the dwelling. The variance was done at the request of the Board's planner. He could have applied for a fully conforming subdivision but the planner wanted him to go with the boundary along the hedgerow. With the remaining lands, he would be required to provide $\frac{3}{4}$ s of a share of a COAH unit. He proposed an accessory apartment on the remaining lands. He is requesting to pay the 1.5% developer's fee rather than provide the unit. When he

applied for this application, if he had known that the remaining lands were not excluded from the requirements of the well ordinance, he would have built his house. The fees were calculated on three lots rather than two. The Board of Health amendment intended it to apply to the new lots rather than include the remaining lands.

The Board members were polled and it was determined to allow A. Belle to proceed with the new issues.

R. Dodds stated there was an email sent by A. Belle to D. Pierce in regard to the well testing. R. Dodds stated the Planning Board does not do favors. It complies with state and local regulations. It treats each application equitably. It is a Board that is deliberate, reasonable and predictable. The Board members have been stepping down and recusing themselves with the slightest hint of conflict.

D. Pierce stated the definition of remaining lands is that the remaining lands form the subdivision of additional lots off that existing piece. This application falls under the category of a subdivision of two or more lots. At the time the application was filed, the ordinance required the aquifer test on subdivisions of two or more lots, excluding the remaining lands, prior to the issuance of a building permit. He believes their argument is the superscript or footnote on that particular entry, footnote #3, which excludes the remaining lands. It reads "Unless the total proposed daily demand is less than 800 gpd whereby the three part pump test is applied." His interpretation at the time of the approval and last month was that the ordinance required that all lots, including the remaining land, should be considered in the requirement of the proposed daily demand.

G. Dilts stated you could build one house with four bedrooms and if you exceed the 800 gpd, you would be required to perform the aquifer test. The applicant cannot build without performing the aquifer test. His interpretation is that the remaining lands are excluded. The existing remaining lands are not part of the equation.

D. Pierce stated he had not considered the fact that A. Belle could have done a 3-part pump test for the existing lot for the subdivision. The well ordinance was not intended to be a trap for the unwary. His interpretation is consistent with the intent of the ordinance which requires the aquifer test for the two new lots. It is an unusual case of having an application with undeveloped lands coming in for a subdivision.

R. Dodds stated if a person comes in and develops three lots and builds three houses, they would be required to do the aquifer test and spread the costs over the three lots. The reason for the aquifer test is to assure the existing residents have water and the occupants of the new homes have water. The Township does not want to provide city water and sewer. If you are going to subdivide land, there is a cost to you. The Board is not saying you cannot do the development but there are costs associated with the project.

G. Dilts suggested a provision be placed in the deed to notify an aquifer test will be required. It is a cost that will be known up front.

A. Belle testified the yields and the monitoring of well is provided by the 3-part pump test. The hydrogeological report is so much more. The aquifer test is done for major subdivisions. Performing the 3-part test and the monitoring of the neighbors' wells are all covered by the 3-part pump test. The well produced 50 gpm and a constant rate test at 5 gpm. If the Board is concerned with someone winding up without water, the front lot was pumped at 16.5 gpm for four hours. Both of the 3-part pump tests have proven they have water. In regard to surrounding property owners, they had the opportunity to have their wells monitored but no one came forward. The development does not require an all-inclusive report that costs \$15,000 to develop, which provides nothing meaningful or that a 3-part pump test cannot determine.

D. Pierce stated the ordinance expressly provides that the time of the testing is to be prior to the issuance of a building permit. The ordinance does not provide an exception. A second alternative would be to amend the subdivision to a one lot subdivision, containing the one he intends to build on and the one he intends to sell. Depending on the sizes of the houses constructed on the lots, he might qualify for that exemption and be able to get his building permit for the three-part pump test and sell the second lot with a three part pump test. One of the homes could be a three bedroom home and the other dwelling a one bedroom unit.

A. Belle testified he understands the ordinance is being reviewed. He is only requesting what is in the ordinance today, which provides for the two front lots as being held as the two new lots, per the 2009 amendment. The two lots should be considered on the applicability table and until the 800 gpd is exceeded, he can perform the three part pump test. A future purchaser can be made aware of the requirement of the aquifer test for the third lot.

D. Pierce stated his comments back into A. Belle's arguments stating the existing lot should not be included in the water demand. Unless you can demonstrate the total water demand will be equal or less than the 800 gpd, the total daily use will exceed the 800 gpd. The ordinance was not structured in the way that A. Belle was proposing as a tiered application to the building permits. In regard to the superscript, D. Pierce, both personally and professionally, feels it should be eliminated. It is superfluous. It is unlikely that a subdivision creating two new lots with lands remaining would not exceed the 800 gpd.

In response to a question by a Board member, D. Pierce responded if a person was going to do a two lot subdivision they would be required to perform an aquifer test, as per the current ordinance. The concept at the time of the original ordinance requiring the testing to be performed for the issuance of a building permit created rights in those lots and the presumption they were buildable. The ordinance requires the water supply to be adequate prior to the subdivision. If a person has a four bedroom house on any property and subdivides the property into two new lots, it would trigger the need for an aquifer test. The applicability chart provides for a one lot subdivision to require a three part pump test and not an aquifer test. Any requirements are determined at the time of determination of completeness of the application. In this case, the ordinance required an aquifer test prior to the issuance of a building permit. The questions the applicant is raising are if the aquifer test is required before your actual demand exceeds the 800 gpd or when it actually does exceed the limit.

J. Burke stated the Board is reading intent into something they were not involved in drafting. His thoughts at this point to suggest A. Belle to start over is financially onerous and unreasonable. He would have to fool the system in order to alleviate the need for an aquifer test. The Board has to take A. Belle's statements that one of the lots will be used for his dwelling. It is in the Board's prerogative to interpret this on an individual basis. There is clarification in the future to anyone who plans to subdivide two lots that an aquifer test is required. The requirement of the aquifer test should be part of the deed for the third lot.

The applicant requested a five minute recess.

Perrotti – Block 23, Lots 11 & 11.01 – Route 519 – Major Subdivision – Granting of Extension to October 13, 2009

It was moved by J. Burke, seconded by D. Haywood and carried to grant an extension of time for the public hearing on Perrotti – Block 23, Lots 11 & 11.01, until October 13, 2009. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds announced the matter will be adjourned until the October 13, 2009 Planning Board meeting beginning at 7:30 PM at the Kingwood Township Municipal Building, Kingwood Township, New Jersey, without further notice.

Silverson – Block 7, Lot 14 – Oak Grove Road – Granting of Extension of Hearing to Nov 10, 2009

It was move by D. Haywood, seconded by J. Mathieu and carried to grant an extension of time for the public hearing on Silverson – Block 7, Lot 14, until November 10, 2009. All members present voted **AYE** on **ROLL CALL VOTE**, except S. McNicol, who abstained.

R. Dodds announced the matter will be adjourned until the November 10, 2009 Planning Board meeting beginning at 7:30 PM at the Kingwood Township Municipal Building, Kingwood Township, New Jersey, without further notice.

Resolutions

It was moved by J. Burke, seconded by J. Mathieu and carried to adopt **Resolution No. 2009-19 - Horseshoe Bend LLC – Horseshoe Bend Road – Block 14, Lots 28.02 and 30 - Conversion of Major Subdivision to Minor**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who abstained.

It was moved by J. Burke, seconded by D. Haywood and carried to adopt **Resolution 2009-20 - Frenchtown Run LLC – Horseshoe Bend Road - Block 12, Lot 31 – Conversion of Major Subdivision to Minor**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who abstained.

Approval of Minutes

It was moved by J. Strasser, seconded by J. Burke and carried to adopt the August 11, 2009 Minutes and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who abstained.

BDAC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Amendment of Subdivision Approval with variances

G. Dilts stated the lots originally conformed to the ordinance and did not require a variance. At the request of the Planner, the lot lines were moved to coincide with the existing hedgerow. A portion of all these lots are constrained. If the applicant agrees to make one new lot and the reasons for which you granted the 3.6 acre flag lot, when 4 acres is required, will no longer be a valid argument. The house will be on a lot less than 4 acres. The revision dated September 4, 2008 shows the lot lines moved in a little bit closer which create less confined areas on these lots. The D&R Commission has asked him to consider this configuration and take some of the constrained area away from the new lots. The revised configuration would eliminate the extra land they cannot utilize. The farming activity would not be on the new lot.

A. Belle stated going back to the minutes of the previous board meetings, how can you continue agricultural activities if the property is owned by some else? It is reasonable to assume someone could come back and say you are not going to do that on my property. He would like to move the line as far west as possible. The building envelope on the center lot would not have any restrictions. He does not want a provision for real crops just pasture and grazing or haying. He is requesting the condition of no further subdivision of Lot 17.02 be removed from the approving resolution. The front lot is fully conforming but the center lot fell from 3.5 acres

to 2.6 acres with a building area from 59% to 100%. A. Belle was concerned if he would be able to come back and subdivide the center lot again.

D. Pierce stated A. Belle is requesting relief on an issue the Board is giving him an option. The Board cannot be in the position of guaranteeing you will have the same lot you had before.

J. Mathieu stated if he is on the Board he would allow the applicant to do it. J. Mathieu stated A. Belle put in a good faith effort and the board appreciates it.

The applicant requested a five minute recess.

2009 Budget Report

R. Dodds reviewed.

APPLICATION STATUS

Galleria – Block 39, Lot 17 – Tumble Idell Road – Minor Subdivision – Release of Deeds;
Stepanovsky – Block 7, Lots 3 & 3.07 – Boundary Line Adjustment – Release of Deeds;

CORRESPONDENCE

R. Dodds reviewed the correspondence listed on the agenda.

BDAC – Block 23, Lot 17.02 – Barbertown Point Breeze Road – Amendment of Subdivision Approval with variances

G. Dilts stated the applicant would like to amend the subdivision to a one lot subdivision. Proposed lot 17.05 would be identified as 17.04 and contain 2.79 acres. The reduction would eliminate the need for an aquifer test. In regard to COAH, the applicant would like to be required to pay the 1.5% developer's fee rather than provide the unit.

It was moved by J. Mathieu, seconded by S. McNicol and carried to amend the approval as follows:

1. Submission of a plat revised to:
 - a. accurately depict Lot 17.02 and proposed Lot 17.04; and
 - b. include a restriction prohibiting the construction of a dwelling larger than 3000 square feet of floor area on Lot 17.04.
2. Review and approval by the Board's professionals, and recordation within 190 days, of deeds perfecting the subdivision.
3. Lot 17.04 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;
4. Lot 17.04 shall be deed restricted to prohibit the construction of a dwelling larger than 3000 square feet of floor area;
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. 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. A conservation easement for Lot 17.04, 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;
11. 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 17.04 located at the outer boundary line of the Category 1 stream buffer as close to the road as possible.
12. 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;
13. Submission of a copy of the map referenced in the Freshwater Wetlands Letter of Interpretation issued by the New Jersey Department of Environmental Protection;
14. 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.
15. 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.
16. Receipt of unconditional approval from the Hunterdon County Planning Board.
17. Receipt of unconditional approval from the Hunterdon County Soil Conservation District.
18. Receipt of unconditional approval from the D&R Canal Commission.
19. 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. That applicant shall pay a developer's fee as required by the Kingwood Township ordinances in effect at the time of issuance of a building permit for each lot. The applicant shall pay fifty percent (50%) of the estimated developer's fee to the

- Kingwood Township prior to the issuance of each building permit 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 each new dwelling.
20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. 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**

PRIVILEGE OF THE FLOOR

B. Casuscelli stated, due the market demands, he will be constructing homes in the 1600 to 2000 sq ft range.

ADJOURNMENT

It was moved by J. Burke, seconded by S. McNicol and carried to adjourn the meeting at 9:49 PM. All members present voted **AYE**.

Respectfully submitted,

.. +@al @ ■. -@ .@. □

Diane Laudenschick, Secretary