

**MINUTES**

**PRESENT:** J. Burke  
R. Dodds  
J. Mathieu  
S. McNicol  
E. Niemann  
D. Posey, Alt #2  
D. Banisch, Planner  
A. Clerico, Planner

**ABSENT:** D. Haywood  
T. Kratzer  
L. Senus  
J. Strasser  
M. Synchronick

**CALL TO ORDER**

The meeting was called to order at 6:38 by R. Dodds.

**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**

R. Dodds inquired as to the status of the following:

*Verification of Conservation Easement Markers – Responsible Individual –*

*D. Laudenbach responded J. Kopen is reviewing the ordinance requirements.*

*Reserve Septics –*

*D. Laudenbach responded the Board of Health was taking the matter under advisement.*

*D. Banisch suggested the Board revise the checklist and require a reserve testing site.*

*Checklists –*

*D. Laudenbach responded the subdivision checklist was completed by T. Decker and she is working on the site plan checklist.*

R. Dodds stated some of the Board's approvals limit the square footage of dwellings. He inquired what makes up the 3,000 sq ft limitation. D. Banisch responded it is his understanding the limitation is to the net habitable floor area and living space. Garages and outside storage areas are not taken into consideration in the limitation. D. Banisch stated the ordinance provides for definitions of habitable floor area and gross floor area. The Board was in favor of defining the definitions for net habitable area and cellars or basements. D. Banisch stated cellars are usually defined as walkouts which are 2/3 below the surface of the grade and basements as more than 2/3 below grade. D. Banisch requested he be able to research the definitions.

The Board requested wind generating equipment be added to the October agenda.

#### Worksession – Land Use Element

D. Banisch stated the purpose of tonight's meeting is to provoke some discussion. He will be going through some basics of land use planning in conjunction with the zoning ordinance. He will characterize the conditions as they exist today. The Board can find certain uses inappropriate for a zone and not provide for those uses in the zoning ordinances. Rezoning properties can result in landowner equity situation. The Board might want to look at Transfer of Development Rights (TDR) which would enable them to send density away from Route 12. The difficulty with TDRs is where it will show up in the Township. In response to a question from a Board member regarding the taking away of a landowners equity by rezoning, D. Banisch stated what zoning gives to a property owner, zoning can take away. It is the Township's responsibility to protect the Township's planning goals and objectives. The zoning ordinance has had a list of permitted uses that have been in the zoning ordinance for the last 20 years. They have not materialized. The Board will certainly hear from those landowners if the zoning is changed. If the landowner is not left with no value but retains some value and some use rights, than zoning has not gone too far. It is similar to when the Township increased the residential lot sizes. It changed the value of some landowners. The change in the lot size was grounded in public purposes and zoning. Any zoning along Route 12 would also be grounded. When designing an ordinance, it is best to have a list of permitted uses. If the use is not listed, it is not permitted. It is more trouble enumerating the prohibited uses. Some might be left out.

S. McNicol stated Delaware Township extensively checked in to TDR and walked away from it saying it would not work for them. It is very complicated.

J. Burke stated he is uncomfortable with taking value away from a township resident. If you are taking actual value from an owner, by increasing zoning, you need to have a reason. The major issues were wells, septics and ground water. The increase in zoning did not take too much value. A 7 acre lot demanded more money than a 4 acre lot. By changing the zoning along Route 12, you may be taking real value away and have a pretty substantial fight from some of those residents.

D. Banisch stated the issue will be addressed in the Community Vision portion. It should be led by a vision for the zone. Individual property owners have certain things they may want to do. It is driven by the return an investor can get on that type of development. Some are not good ratable but do serve a property owner's income objective. Changes could be made to the non-residential development impervious coverage limitations and floor area ratios. You can control the size of a building by the floor area ratios. Impervious coverage can be limited on the basis of maintaining a healthy environment. One of the requirements allows 45% impervious coverage and 2% building coverage, which is fairly conservative. The same standards are in the Business Park (BP) zone. He reviewed the lot requirements in the HC (Highway Commercial) zone. A suggestion could be to change the minimum lot size and frontage requirements in the zone. In response to a question by a Board member if the entire zone must be changed to order protect the viewshed, D. Banish responded the shape and size of the zone can be changed. The ordinance can manage those potential obstructions with building height limitations and design standards. The character of the zone should be evaluated. The Board should review what kind of recommendations or adjustments would make sense.

D. Posey stated commercial development is a necessary part of any town. The zone needs to be fine tuned to suit the Township's needs.

R. Dodds stated there are some areas that encourage commercial development. He stated affordable housing in this area only makes sense if there is a place to work. He stated a good example of a commercial business is the Herbel facility on Route 12. It is not visible from the highway.

D. Banisch stated principal permitted uses in the ordinance are permitted by right. Conditional uses are an exception and can be built only if it meets all the conditions in the ordinance. Some conditions can be onerous or superficial. Conditional use standards in the HC & BP zones are the retail uses. The height restrictions in the HC and BP zones are 40' or 2 ½ stories. The standard is 35'. A relief of up to 10% of the permitted height in a zone can be granted. He stated the VanVeldhuisen development will address the entire third round COAH requirement.

The following presentation was made by Banisch and Associates:

Slide 1 – Municipal Land Use Law  
Land Use Plan Element of the Master Plan

The M.L.U.L. authorizes the preparation of the municipal Master Plan at Section 28 of the Law, which states the following (*italic emphasis added*):

“a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.”

Slide 2 – The Land Use Plan Element

N.J.S.A. 40:55D-28(2) provides for the following requirements to be met:

“(a)...*(the) relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodland;*  
(b) *showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and*  
(c) *showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the “Air Safety and Zoning Act of 1983,” P.L. 1983, c.260 (C.6:1-80 et seq.); and*  
(d) *including a statement of the standards of population density and development intensity recommended for the municipality;*”

Slide 3 – The Township’s Power to Zone

Land Use Plan shapes local zoning, as provided in Section 62.a. of the M.L.U.L, which states:

“The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted **after the planning board has adopted the land use plan element and the housing plan element of a master plan**, and all of the provisions of such zoning ordinance or **any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element** of the master plan or designed to effectuate such plan elements;”

Slide 4 – Existing Land Use Plan Map

Slide 5 – Zoning Districts

AR-2 Agricultural and Single-Family Residential

Purpose:

- The AR-2 District has been established in recognition of the rural characteristics and the combination of soil types, geology and topography throughout the township.
- Requires relatively large residential lots in response to the severe limitations of the land to adequately drain and filter septic effluent, the lack of public water and sewer systems with no plan to provide them, a narrow rural road system, including weight-restricted bridges which limit traffic volume, access and a convenient circulation system, and the desire to preserve agricultural activities and woodlands.

Slide 6 – Zoning Districts

VR-1 Village Residential

To provide for and protect the character of the existing Village of Baptistown. The provisions set forth herein are in recognition that the village is essentially developed.

VR-2 Village Residential

To provide for and protect the character of the existing Village of Barbertown while recognizing the existing nonresidential uses located within its boundaries.

Slide 7 – Zoning Districts

VC-1 Village Commercial & VC-2 Village Commercial

- 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

Slide 8 – Zoning Districts

BP Business Park

Purpose:

- Located in the vicinity of Route 12 and is partially developed with various businesses and industries.
- Intent of the district is to further promote the industrial and commercial businesses in Kingwood which are sensitive to the particular environmental conditions of the area.

Slide 9 – Zoning Districts

BP Business Park

Purpose:

- Uses should not be high water users, should maintain groundwater quality and should avoid encroachments into stream corridors and wetlands.
- Uses should also not violate the performance standards set forth in this chapter nor generate large volumes of truck traffic that would negatively impact the rural road system.

Slide 10 – Zoning Districts

HC Highway Commercial

Purpose: To provide for the development of various highway-oriented commercial uses outside the village areas and along Route 12 which have a market generally wider than the immediate Kingwood community.

Slide 11 – Zoning Districts  
 PO/R Professional Office / Residential

Purpose:

- To provide a mixed-use area under specific conditions to promote a suitable transition area between existing commercial/industrial uses and residential uses.
- Recognizes the changing character to certain areas caused by increased and increasing intensity of use with regard to Route 12 traffic.
- Low-intensity retail service facilities characterized by low traffic generation are also permitted.

Slide 12 – Zoning Districts  
 FP Floodplain

Purpose:

- To protect human life and health
- To minimize expenditure of public money for costly flood control projects
- To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
- To minimize prolonged business interruptions
- To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard
- To help maintain a stable tax base

Slide 13 – Tax Class and Surface Water Map

Slide 14 – Tax Class and Slope Map

Slide 15 – Community Profile, Population 1980-2000

| Age groups              | 1980         | 1985         | 1990         | 2000         | Percent Change (1990-2000) |
|-------------------------|--------------|--------------|--------------|--------------|----------------------------|
| Under 5 years           |              |              | 275          | 262          | - 4.7                      |
| 5-9                     |              |              | 252          | 293          | + 16.2                     |
| 10-19                   |              |              | 396          | 545          | + 37.6                     |
| 20-29                   |              |              | 308          | 244          | - 20.7                     |
| 30-39                   |              |              | 685          | 627          | - 8.4                      |
| 40-49                   |              |              | 504          | 791          | + 56.9                     |
| 50-64                   |              |              | 447          | 621          | + 38.9                     |
| 65-79                   |              |              | 286          | 313          | + 9.4                      |
| 80 and over             |              |              | 61           | 86           | + 40.9                     |
| <b>Total Population</b> | <b>2,772</b> | <b>2,909</b> | <b>3,325</b> | <b>3,782</b> | <b>36.4 (1980-2000)</b>    |

Slide 16 – Community Profile, Residential Growth 1995 to 2009

| Year                           | 1995 | 96 | 97 | 98 | 99 | 2000 | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | Total      |
|--------------------------------|------|----|----|----|----|------|----|----|----|----|----|----|----|----|----|------------|
| <b>Building Permit (Units)</b> | 20   | 23 | 18 | 18 | 19 | 19   | 20 | 21 | 21 | 13 |    |    |    |    |    | <b>195</b> |

|                              |  |    |    |    |    |    |    |    |    |    |   |   |   |   |   |            |
|------------------------------|--|----|----|----|----|----|----|----|----|----|---|---|---|---|---|------------|
| <b>Cert. of Occ. (Units)</b> |  | 22 | 28 | 15 | 28 | 22 | 31 | 31 | 24 | 22 | 8 | 8 | 6 | 3 | 3 | <b>251</b> |
| <b>Demolitions (Units)</b>   |  | 0  | 1  | 3  | 0  | 1  | 0  | 0  | 0  | 1  |   |   |   |   |   | <b>6</b>   |

Slide 17 – Community Profile, Non-residential Growth 1996 to 2009

|                          |             |           |           |           |             |           |           |           |           |           |           |           |           |           |
|--------------------------|-------------|-----------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>CO's issued</b>       | <b>1996</b> | <b>97</b> | <b>98</b> | <b>99</b> | <b>2000</b> | <b>01</b> | <b>02</b> | <b>03</b> | <b>04</b> | <b>05</b> | <b>06</b> | <b>07</b> | <b>08</b> | <b>09</b> |
| <b>B-Office (sf)</b>     | 14,400      |           |           |           | 600         |           |           |           | 12,800    |           | 9,900     |           |           |           |
| <b>M-Office (sf)</b>     |             |           |           |           |             |           |           |           | 5,750     |           |           |           |           |           |
| <b>Education (sf)</b>    |             |           |           |           |             |           |           |           |           | 12,800    |           |           |           |           |
| <b>A-3 Assembly (sf)</b> |             |           |           |           |             |           |           |           |           |           |           |           |           | 6,915     |

Slide 18 – Community Profile, Township Tax Base 1985 & 2005 Comparison

| <b>Type</b>    | <b># of Parcels</b> |              | <b>Assessment Value</b> |                      | <b>Percent</b> |              |
|----------------|---------------------|--------------|-------------------------|----------------------|----------------|--------------|
|                | <b>1985</b>         | <b>2005</b>  | <b>1985</b>             | <b>2005</b>          | <b>1985</b>    | <b>2005</b>  |
| Vacant Land    | 218                 | 157          | \$5,063,250             | \$9,292,379          | 5.7            | 2.79         |
| Residential    | 615                 | 1,136        | \$45,683,200            | \$232,456,100        | 51.39          | 69.68        |
| Farm Land      | 773                 | 278          | \$29,759,840            | \$62,830,700         | 33.48          | 18.83        |
| Farm Homestead | -                   | 483          | -                       | \$3,476,438          | -              | 1.04         |
| Commercial     | 29                  | 52           | \$4,766,188             | \$16,010,415         | 5.36           | 4.8          |
| Industrial     | 4                   | 5            | \$3,420,500             | \$8,325,610          | 3.85           | 2.5          |
| Apartment      | 1                   | 4            | \$197,100               | \$1,210,500          | 0.22           | 0.36         |
| <b>Total</b>   | <b>1,640</b>        | <b>2,115</b> | <b>\$88,890,078</b>     | <b>\$333,602,142</b> | <b>100.0</b>   | <b>100.0</b> |

Slide 19 – Nitrate Dilution Density Standards

The density necessary to achieve the 2.0 mg/L nitrate planning standard in N.J.A.C. 7:15-5.25(e) is shown below:

| <b>Subwatershed</b>                      | <b>Maximum Density Standard</b> |
|--|---------------------------------|
| Hakihokake / Harihokake / Nishisakawick: | 5.3 acres / septic system       |
| Lokatong Creek / Wickecheoke Creek:      | 6.0 acres / septic system       |

Slide 20 – HUC-11 Delineation Map

Slide 21 – Nitrate Dilution Density Standards

Cluster development minimum lot sizes can be identified through the use of DEP's nitrate dilution calculator, which is found in the rule and are based upon the 10 mg/l safe drinking water standard. The cluster minimum lot size calculation for Kingwood's two HUC-11's, is as follows:

| Subwatershed                           | Septic Density<br>Ac/Home | Average Recharge<br>In/Yr |
|--|---------------------------|---------------------------|
| Hakihokake/Harihokake/Nishisakawick Ck | 1.1                       | 12.5                      |
| Lockatong Creek/Wickecheoke Creek      | 1.2                       | 11.1                      |

Slide 22 – Inclusionary / Mixed-Use Zoning

- An alternative to conventional single-family development;
- Fair Share Plan affordable housing solution;
- 450,000 sq. ft. of nonres, comm, & res, including the existing approved Building B (89,000 sq. ft.) and approved Building C (34,500 sq. ft.).
- Self storage units eliminated and replaced with...
- 60,000 sq. ft. of affordable housing (60 units averaging approximately 1,000 sq. ft. per unit) and approximately 265,000 sq. ft. of flex commercial / light assembly

Slide 23 – Community Vision

US EPA Green Communities - A 5-step environmental planning framework leads you to a greener, sustainable future. (<http://www.epa.gov/greenkit/index.htm>)

- Step 1 – Where Are We Now?
- Step 2 – Where Are We Going?
- Step 3 – Where Do We Want to Be?
- Step 4 – How Do We Get There?
- Step 5 – Let’s Go! (Implementation)

**ADJOURNMENT**

It was moved by J. Burke, seconded by S. McNicol and carried to adjourn the meeting at 8:35 PM. All members present voted **AYE**.

Respectfully submitted,



**Diane Laudenschick, Secretary**