

**MINUTES****7:30 PM**

**PRESENT:** J. Burke  
R. Dodds  
D. Haywood  
J. Mathieu  
S. McNicol  
E. Niemann  
L. Senus  
J. Strasser  
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 D. Laudenschach at 7:33 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****Nomination of Chairperson**

**R. Dodds** was nominated as Chairperson by J. Mathieu and seconded by J. Strasser.

It was moved by D. Haywood, seconded by J. Burke and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE**.

**Nomination of Vice Chairperson**

**J. Mathieu** was nominated as Vice-Chairperson by S. McNicol, seconded by R. Dodds.

It was moved by D. Haywood, seconded by J. Burke and carried to close the nominations. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu, who abstained.

**Appointment of Attorney**

It was moved by J. Strasser, seconded by S. McNicol and carried to appoint Lindabury, McCormick and Estabrook, David Pierce, as attorney for 2010 for the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

**Appointment of Engineer**

It was moved by S. McNicol, seconded by D. Haywood and carried to appoint Van Cleef Engineering, Thomas Decker, as engineer for 2010 for the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

**Appointment of Planner**

It was moved by J. Mathieu, seconded by D. Haywood and carried to appoint Banisch & Associates, David Banisch, as planner for 2010 for the Kingwood Township Planning Board. All members present voted **AYE** on **ROLL CALL VOTE**.

**Approval of Meeting Dates**

February 9, 2010	July 13, 2010
March 9, 2010	August 10, 2010
April 13, 2010	September 14, 2010
May 11, 2010	October 12, 2010
June 8, 2010	November 9, 2010
	December 14, 2010

It was moved by D. Haywood, seconded by J. Burke and carried to approve the above dates as the official meeting dates of the Kingwood Township Planning Board, beginning at 7:30 PM, for 2010. All members present voted **AYE** on **ROLL CALL VOTE**.

**Designation of Newspaper**

It was moved by J. Mathieu, seconded by D. Haywood and carried to designate the Hunterdon County Democrat as the official paper of the Kingwood Township Planning Board for 2010 with the Courier News as an alternate. All members present voted **AYE** on **ROLL CALL VOTE**.

**Herbel – Block 18, Lot 2 – Waiver Request**

E. Herbel was present this evening to request a waiver from the Planning Board for a full site plan for the installation of solar panels. The building on the property was completed in August of 2006. The building has a geothermal heating/cooling system with twelve vertical wells 350’ deep. They provide a sufficient cooling/heating exchange. The request is due to the applicant taking one more step to take care of their electric use. The business is a computer software development company so their electric consumption is a fairly good amount. They put bids out to a couple of different companies in New Jersey and decided to go with Sun Farm.

The system will be a 150 kw system, which is close to their energy consumption. It would have been nice to put it on top of the building but it was not the ideal placement. After a lot of survey work and wetlands delineation, the current proposed location was decided upon. The point of electrical connection and transformer are in the same vicinity as the proposed system. The panels have a 25% tilt towards the building. The reflection would be going towards the buildings. The solar panels are black. He is requesting an amendment to the site plan. There will be six rows of panels. They are sort of reminiscent of seating at a high school. The system is constructed as a metal frame work with the seats for the solar panels. Theoretically it is movable. Solar panels are usually considered accessory structures and require no footings.

T. Decker stated it is not a traffic generator and does not create impervious coverage. He is not sure what his firm would review except the possible proximity to other property lines and so forth.

E. Herbel stated the structure is 8' in height in the back and 2' in the front and will be located approximately 800-1000' from Route 12. It is also located about the same distance from the adjoining property. The grounds under the rays will be kept in grass. There will be approximately 10-15' between the rows of rays to maintain the grass.

D. Pierce stated there is not a lot to review. It is important for the Board and the applicant to actually go through the process of having a hearing. No additional information would need to be provided. There is no process under the ordinance for a waiver of a site plan. It is important for the applicant, for future purposes, to have a formal approval amending the existing site plan and having a drawing on file of the approved site plan. A site plan requires a public hearing and notice. It is a relatively simple thing to do and will provide the applicant with protection in the future. The only exceptions for site plans are single family dwellings and agricultural structures less than 5,000 sq ft. The applicant should be requested to return next month and provide notification by publication and mailing of a notice of the hearing so the public has the opportunity to be heard.

It was moved by D. Haywood, seconded by J. Burke and carried to determine the above application complete and schedule it for a hearing on February 9, 2010. All members present voted **AYE** on **ROLL CALL VOTE**.

#### **Cacciabauda – Block 37, Lots 3.05, 3.06 & 3.07 - Federal Twist Road – Request for Extension of Time**

B. Sutherland, TRC Engineers, was present on behalf of Mr. Cacciabauda. The applicant needs to perform a geotechnical analysis on the roadway, which has set him back.

It was moved by D. Haywood, seconded by J. Mathieu and carried to grant a 120 day extension of time to file the deeds. All members present voted **AYE** on **ROLL CALL VOTE**.

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

*T. Decker stated he has recently changed employers and is now working for Van Cleef Engineering so he will have to recuse himself from the following matter.*

G. Bulik, Gilmore and Associates, was present this evening as the engineer for the Township for the following matter.

#### **Galleria – Block 17, Lot 15 – Willow Run Road – Site Plan Completeness Determination**

B. Casuscelli and P. Casuscelli, applicants, were present for the matter this evening. They reside at 19 Lowerton Trail, Franklin Township, New Jersey. They are officers of Galleria Construction. K. Hoffman of K. Hoffman Engineering was also present this evening. He was requested to be involved in the application due to T. Decker's conflict of interest.

P. Casuscelli stated they are proposing to erect a 2,400 sq ft building. The proposed use of the property is for rental storage containers. It will be a storage facility for storage containers, similar to PODS. They will be empty containers.

G. Bulik provided and addressed the following review to the Board on the application:

**Item #1 – Copy of Plan in Electronic Format**

Planning Board secretary should confirm if an electronic copy of the plans has been submitted.

**Item #8 – Title Block Giving names of Applicant/ Owner**

Site plans do not indicate the name of the Applicant/ Owner (i.e. Galleria Construction, Inc.) in the drawing title block. This information should be added.

**Item #12 – Names of Property Owners within 200 feet**

A list of property owners within 200 feet is provided on the plans, however a certified list from the Tax Assessor was not provided to our office. Planning Board Secretary should confirm if a certified list has been provided. Additionally, it appears from the site plan drawing that two (2) additional non-adjointing properties (i.e. Block 17, Lot 12 and Block 16, Lot 8), may be located within 200 feet of the subject property being developed. If so, these property owners should be added to the drawing table.

**Item #16 – Contours and Topography Covering the Property**

Existing site contours are shown on the site plan; however enhanced text labeling of the contours (i.e. elevation designations) needs to be added to the site plan for further clarification, especially along the western portion of the property.

**Item #17 – Existing & Proposed Drainage Facilities on tract & within 200 ft**

Applicant has indicated on the checklist that a waiver will be requested for complying with this requirement on an off-tract basis. No formal waiver request letter/ justification was provided by the applicant for review. The Board should consider granting this request at the completeness hearing, if they deem reasonable.

**Item #18 – Location & Type of Existing and Proposed Easements or Rights-of-way and Utility Structures within 200 feet**

Applicant has indicated on the checklist that a waiver will be requested for complying with this requirement. No formal waiver request letter/ justification was provided by the applicant for review. The Board should consider granting this request at the completeness hearing, if they deem reasonable.

**Item #19 – Documentation of Feasibility of an Adequate Method of Sewage Disposal**

The Site plan depicts the addition of a proposed “septic disposal bed” to the site; however, no construction details have been provided nor has any documentation been submitted for review as to the feasibility of the site soils to accommodate an on-lot septic system.

**Item #20 – Location and Line of All Existing Streets and Roads, and Areas dedicated for Public Use, within 200 feet**

The Site plan (Sheet 1 of 3) should be revised to label the site frontage road (Willow Run Road).

**Item #23 – Distance from the Property Line to the Nearest Intersection**

The Site plan (Sheet 2 of 3) depicts a distance of 170-feet from what “appears” to be the intersection of Willow Run Road with NJ State Highway Route No. 12. This dimension should be clarified.

**Item #27 - Indicate Provisions for Refuse and Garbage Disposal**

Site plans do not indicate the location of an existing or proposed dumpster or trash collection structure. The applicant states on the checklist that refuse and garbage disposal will be “internal to the proposed building”. The Applicant should be prepared to address this item at the completeness hearing.

**Item #31 – Indicate Locations, Dimensions and Construction of Off-site Sidewalks, On-Site Walks and Sidewalks**

Applicant has indicated on the checklist that a waiver will be requested for complying with this requirement. No formal waiver request letter/ justification was provided by the applicant for review. The Board should consider granting this request at the completeness hearing, if they deem reasonable.

**Item #34 – Copies of any Existing or Proposed Covenants and Deed Restrictions Applicable to or Intended to Cover Any of the Development Site**

Applicant has indicated on the checklist that these documents will be “provided by Others”. Planning Board Secretary should confirm if proof has been provided in the submission package, as these documents were not provided for engineering completeness review.

**Item #35 – Copies of Elevations, Sketches, Renderings or pictures of Any New Buildings or Structures or Alterations**

Applicant has provided vendor conceptual framing plans for a proposed pre-engineered metal building of dimensional size of 60 foot wide x 40 feet length (2,400 SF) with 24 feet high eaves. These conceptual framing plans are adequate at this stage of the Preliminary site plan approval process, to convey the type and specification of pre-engineered metal building being proposed by the applicant. However, no details or plans have been provided as to the type and design of the proposed building foundation/ floor slab system.

**Item #42 – Certification from Tax Collector that all Taxes and Assessments on the Entire Tract Have Been Paid to date**

Applicant has indicated on the checklist that these documents will be “provided by Others”. Planning Board Secretary should confirm if proof has been provided in submission package.

**Item #43 – Proof of Submission of Application & Fee to County Planning Board**

Applicant has indicated on the checklist that these documents will be “provided by Others”. Planning Board Secretary should confirm if proof has been provided in submission package.

**Item #45 – Mapping of Steep Slopes in accordance with Ordinance Section 114.3 of Chapter 114 (Steep Slope Conservation)**

Applicant has indicated on the checklist that a waiver will be requested for complying with this requirement. No formal waiver request letter/ justification was provided by the applicant for review. The Board should consider granting this request at the completeness hearing, if they deem reasonable.

**Item #49 – Executed Escrow Agreement**

Applicant has indicated on the checklist that these documents will be “provided by Others”. Planning Board Secretary should confirm if agreement is in place.

**Item #55 – Submission to NJDEP for Freshwater Wetland LOI**

Applicant has indicated on the checklist that this information has been submitted to NJDEP. Planning Board Secretary should confirm if proof has been provided by the applicant in the submission package.

**Item #57 – Written Requests for Individual Waivers and/ or Variances**

Planning Board Secretary should confirm if written requests for waivers (Items #17, #18, #31 and #45) has been provided by the applicant in the submission package.

**Item #58 – Disclosures for 10% Financial Interest**

Applicant has indicated on the checklist that this information will be “provided by Others”. Planning Board Secretary should confirm if disclosure has been provided in submission package.

**Miscellaneous General Site Plan Review Comments**

1. Legend should be added to the Site Plan drawing clarifying the designations used for the various types of shading/ hatching depicted on the drawing (i.e. conservation easement area, etc.).
2. “Right-to-Farm” notes depicted on the Site Plan drawing, reference Franklin Township and the SALDO and Code of Franklin Township. Notes should be revised accordingly, as the site is located in Kingwood Township.
3. “PQ” zoning designation symbol shown on the Site Plan Key Map for the property (i.e. Block 17, Lot 15) should be removed, to be consistent with the Township of Kingwood Zoning Map, as the property is located in the BP zoning classification district (Business Park).
4. The approximate location of the existing well at the property is shown on Sheet 2/3 to be located within the limits/ turning radius of the proposed gravel driveway which leads to the proposed building and parking area. The proposed driveway will either need to be relocated on the Site Plan to avoid conflict with the existing well or bollards will need to be added to provide protection to the well from potential damage from the Applicant’s (Galleria Construction, Inc.) construction vehicles.

Based upon the above comments, the Board needs to determine if waivers for the above items (#17, #18, #31 and #45) are warranted.

Banisch and Associates provided the following memo:

We have reviewed the following information in preparation of this report:

- Combined Preliminary and Final Site Plan Checklist for Conditional Use for Block 17, Lot 15. Submitted 12/14/2009.
  - Preliminary Site Plan for Proposed Improvements for Block 17, Lot 15, consisting of three (3) sheets. Prepared and signed by Peter G. McCabe, P.E. of Van Cleef Engineering Assoc., and dated December 11, 2009.
  - Building specifications quote from Rapidset Metal Buildings, dated 10-21-09.
1. Block 17, Lot 15 is a 12.9-acre flag lot located on Willow Run Road, just off of Route 12 eastbound in the Business Park district of the Township. The property is essentially unimproved and includes an existing gravel driveway extending approximately 370' from Willow Run Road. The site includes an existing conservation easement that has been placed over wetlands and a 50' transition area that will require the applicant to place easement markers as required by Township Ordinance #15-25-2008. The subject site is situated generally rearward of the Razberry's Banquet and Conference Center.
  2. This application requires two bulk variances, including a variance for frontage and lot width. §132-35.F., Area and Yard Requirements for the BP District indicate that (1) the required frontage is 400', vs. 125' proposed (as per schedule, but not dimensioned on plan); and (2) the required lot width is 400' vs. a lot width of 130' (as per schedule but not dimensioned on the plan). These are existing conditions which may require variance relief, however the Board Attorney should advise as to whether variance relief is required.
  3. The applicant proposes to extend the gravel driveway, construct a 2,400 sq. ft. steel framed building for "machine storage" and construct five 10' x 24' parking spaces adjacent to the proposed storage building. A paved apron approximately 60' in length is proposed to extend over the existing gravel driveway from Willow Run Road.
  4. A 6' high chain link fence is proposed along the southerly side lot line, across the frontage of the site including a "24' Wide Roll Gate" and along the common property line with Razberry's. The fence does not completely enclose the usable area of the lot, but instead will serve for security and to deter entry onto the site.
  5. Sheet 2 identifies a hedgerow buffer planting consisting of arborvitae, 4' – 6', planted 5' on center, is proposed behind the 6' high fence along most of the common property boundary with Razberry's, but not for the entire length of the proposed 6' high chain link fence near the frontage at Willow Run Road.
  6. Section 132-35.D.(3) identifies permitted conditional uses in the BP district which includes "Mechanical and business equipment storage, contractor yards and construction businesses...". The proposed use identified on Sheet 1 of the plan is stated as "Contractor yard for temporary storage of "Rental Storage Equipment".
  7. Sheet 1 of the plans identifies "5 maximum" as the number of employees. Applicant should identify the number of employees that may be employed on site, and whether the note on Sheet 1 refers to employees that will be housed in the proposed building. Applicant should also identify the proposed hours of operation for the facility and all activities to be conducted on site, including inside and outside of the building.

8. Sheet 2 identifies an existing well on the property (to remain) and a proposed septic disposal bed to be located between Willow Run Road and the proposed building. The septic bed is located approximately 290' from the road and approximately 430' from the proposed building. A note on Sheet 1 of the plan set indicates that "No grading or stormwater management is proposed." We defer to the Board Engineer to comment on the need for stormwater management on the site.
9. A note on Sheet 2 of the plan set indicates a line around the perimeter of the site as the "Approximate Limit of Storage Area for Containers". There is no depiction of any such containers on the plan. The applicant should provide testimony and a schematic of proposed container storage for the site and identify the proposed use and on site circulation for the property surrounding, and in addition to, the proposed storage building.
10. According to §132-35.F, the maximum lot coverage for the district is 45%. The maximum building coverage is 15%. Sheet 1 of the plan indicates that maximum lot coverage of 1% is proposed. The applicant should identify the maximum coverage for the site including all storage containers that may be on site at any given time. Additionally, the applicant should describe all materials storage that is proposed for the site, including the outdoor storage of building materials, aggregates, topsoil, etc., and whether any storage bins are proposed.
11. Plans do not include any details regarding proposed lighting or site identification signs. Notes should be added stating whether lighting and signs are proposed. Details should be added to the extent lighting or signs are proposed.
12. §132-53.B. 'Lighting' states that ". . . all parking facilities providing 5 or more parking spaces shall be lighted." Additionally, parking facilities must conform to §132-52, Lighting, which identifies permitted levels and hours of illumination.
13. Applicant should provide testimony on any lighting or sign that is proposed. Any lighting installed should be downward directed and shielded so that the light source is not visible from off site and so that there is no light cast beyond the property boundary. This should be made a condition of any approval that the Board may grant.
14. The Board and applicant should discuss whether the proposed hedge should be extended along the entire length of the proposed chain link fence. Moreover, the Board should discuss whether the location of the hedge plantings and fence should be reversed so that the view of the chain link fence is buffered by the proposed arborvitae plantings. Alternatively the Board may wish to explore the use of another type of fence, such as a board on board.
15. The 24' Wide Roll Gate is located in the driveway at a distance of 60'. This should be discussed by the Board and whether any mitigation should be provided to improve the potentially negative appearance of this installation.
16. There is no information provided concerning the levels of noise that may be generated on this site. Applicant should fully describe all proposed activities, anticipated noise levels, and hours of operation. Any noise producing activity should be limited to local and State noise generation limits. Applicant should describe whether any assembly activity is proposed for this site.



17. The proposed “Approximate Limit of Storage Area For Containers” depicted on sheet is located a distance of 5’ from the “Existing Conservation Easement”. This raises a concern as to whether the standard conservation easement marking requirements of the ordinance are sufficient to protect this conservation easement area. We recommend that the Board discuss the possible need for conservation easement demarcation that exceeds the basic ordinance requirements.
  18. Prior to any Board action, we recommend that plans be revised depicting the location and intensity of all proposed outdoor storage.
  19. The Board should condition site plan approval on limiting storage uses on this property to the storage activities described in testimony and as the Board may require the applicant to show on revised plans.
  20. The applicant should provide testimony addressing the requirements in N.J.S.A. 40:55D-70c(1) for any variance relief that may be required.
  21. The Board should condition approval upon approval of any other agency with jurisdiction.
- A. Clerico inquired of the applicant the number of storage containers that might be present on the property at any one time. P. Casuscelli responded there could be 100 or 200. The containers are meant to be out and rented to people. They are sized at 8x20 and 8x30.
- A. Clerico inquired if there are a certain number present on the property, would it constitute impervious coverage? P. Casuscelli responded they are 4-5” off the ground and are not bearing on the ground. Water can travel beneath the trailers. The property has a shale base now and it will stay that way.
- A. Clerico stated there is nothing on the plan in regard to lighting. They would like to see something added on the plan so there is no glare on the neighboring properties, possibly timers. P. Casuscelli responded the facility will not be used at night. There will be a motion light at the entrance door. They only plan on being there during the day.
- A. Clerico stated the plan indicated some landscaping to buffer visually the property from the roadway. Will it extend to the entire length of the property? P. Casuscelli responded it would be on the entire frontage. It will be landscaped and fenced along Route 12.
- In response to an inquiry by a Board member, A. Clerico responded the landscaping consists of Arborvitae, 4-6’ high planted 5’ apart. She stated there is a 6’ high fence along the common property line with Razberry’s. A. Clerico suggested a different type of fencing be used so it can be placed behind the trees. B. Casuscelli stated better landscaping in the front is possible.
- R. Dodds inquired about the hours of operation, noise from the forklifts and size of the pad. P. Casuscelli stated the pad is about 4 acres. K. Hoffman stated it is 225’ x 400’. R. Dodds further stated 100 of the small trailers will cover 16,000 sq ft and 100 of the larger ones 32,000 sq ft. Will there be enough space? B. Casuscelli stated the gentleman stated he only makes money when the trailers are at someone else’s home.

D. Pierce stated cargo containers are prohibited in Kingwood Township. Section 132-11D prohibits cargo containers in all districts in the Township except with one exception for the AR-2 Zone. The proposal would require a use variance and an application before the Board of Adjustment. The ordinance does not provide for any size limitation.

B. Casuscelli stated he feels the application should fall into a contractor's yard definition. D. Pierce stated a contractor's yard is for the storing of heavy equipment. The application is for an actual storage of cargo containers. The ordinance provides for limited exceptions. It provided for the owners to come in at the time of the ordinance enactment for a permit for their existing containers. When the property was subdivided or changed ownership, the containers had to be removed. Storage containers were a problem throughout the Township years ago and the reason for the ordinance.

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

*T. Decker resumed his position as Engineer for the Board at this time.*

### **Verification of Conservation Easement Markers**

After some discussion, it was requested the Board Secretary write a letter to the General Code Enforcement Official requesting him to inspect the installation of the Conservation Easement Markers.

### **Approval of Minutes**

It was moved by J. Mathieu, seconded by D. Haywood and carried to approve the minutes of December 8, 2009. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

### **Resolutions**

It was moved by J. Mathieu, seconded by D. Haywood and carried to adopt **Resolution No. 2010-01 – Grossman – Block 6, Lots 23 & 23.02**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

It was moved by J. Burke, seconded by J. Mathieu and carried to adopt **Resolution No. 2010-02 – Silverson – Block 7, Lot 14**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who abstained.

R. Dodds requested the letter from W. Sidote to Chris' Citgo be provided to the Board members.

R. Dodds excused the professionals.

### **Municipal Orientation**

E. Niemann presented the following:

- 1) Introductory remarks
  - a. General roles and responsibilities of volunteers
  - b. Resources available from the municipality, procedures to access them

- c. Importance of communication
    - i. All written communication, including email, is a matter of public record
      - 1. Use of home computer for sensitive township-related communications is to be avoided
    - ii. Coordination with other volunteer boards/committees is ideal
  - d. Meetings are recorded, and members of the public may request copies of these recordings.
- 2) Municipal Excess Liability Joint Insurance Fund DVD- “The Rights and Duties of a Volunteer in Local Government” – 12 minutes
- 3) Questions following the DVD
- a. Complaint procedure handout, brief discussion of the township personnel handbook
  - b. What are punitive damages?
- 4) Concluding remarks
- a. We recognize that the hard work done for the benefit of our community is often done when no one is looking and at times the work may seem unappreciated. We know what you do for us and we don't forget, even if you don't hear it from us!
  - b. The Township newsletter was launched last year and will have another issue released in March. Please be sure to send any material you may have for the newsletter to me.
  - c. Wrap up the material presented in the DVD

## APPLICATION STATUS

## CORRESPONDENCE

## PRIVILEGE OF THE FLOOR

E. Niemann stated the Township will be doing a newsletter in March.

R. Dodds stated the surveys have been mailed. The only properties which were excluded in the mailing were singly owned multiple properties and property owners such as the State of New Jersey or some other entity. The response has been good.

## ADJOURNMENT

It was moved by J. Mathieu, seconded by S. McNicol and carried to adjourn the meeting at 9:02 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Respectfully submitted,

s/Diane Laudenbach

Diane Laudenbach, Secretary