

MINUTES

PRESENT: J. Burke
R. Dodds
D. Haywood
T. Kratzer
J. Mathieu
S. McNicol
E. Niemann
L. Senus
J. Strasser
M. Syrnick, Alt #1
A. Clerico, Planner
D. Pierce, Attorney

CALL TO ORDER

The meeting was called to order by R. Dodds at 7:30 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 Express Times, 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

Laurelton/Belmont – Block 22, Lot 16 – Hammar Road – Request for Extension to File

It was moved by J. Mathieu, seconded by L. Senus and carried to grant a 190-day extension of time to file the deeds for the above referenced application. All members present voted **AYE** on **ROLL CALL VOTE**, except E. Niemann, who abstained.

Herbel – Block 18, Lot 2 – Route 12 – Amendment to Site Plan

D. Pierce stated he has reviewed the affidavit of publication and proof of service. The applicant has satisfied the notice requirements and the Board can open the hearing. He stated it has been brought to his attention that the solar panels are an accessory structure and are being placed in front of the principal structure which requires a variance. E. Herbel included in his notice “any and all variances that may be necessary”, which is acceptable and covers the requirement of advertisement for a variance. The Board can act on the variance as well.

E. Herbel was sworn in by D. Pierce.

E. Herbel stated he is from Integrated Clinical Systems in Kingwood and resides in Kingwood. The revised drawings submitted for this hearing indicate the property boundary lines so the Board can see the exact distance and effect on the surrounding properties. Each of the solar panels will be placed at a 25 degree angle towards the south. The back end of the system is roughly 8' high and the front end is 2'. The back end will be facing Route 12. It is 600' from the array to Route 12. They are facing southerly towards the building. They are not so shiny anymore and even the framing is black. The panels will be supplied by the only remaining manufacturer in the United States, which is located in Massachusetts. The red line of the plan indicates the underground trenching. The system is sized to be approximately equivalent to their electric consumption. Currently, you are not permitted to design a system larger than you can consume. It is reminiscent to football stadium seating. There are no footings. It is not a permanent structure. The underground trenching near the septic system has been approved by the Hunterdon County Health Department. Originally the applicant had investigated going off the grid completely but it was very expensive. They are using the grid as the battery so during the day when the system is producing electricity, the meter goes backwards. At night when they are consuming electricity and not making any, the meter goes forward. The net should be zero. It was less expensive using the grid as a battery. The system is a stationery system. It has a lifespan of approximately 50 years. As the location of the building is not visible from the road, the solar system will also not be visible from the road. They like to keep to themselves. He invited the Board to stop by any time.

It was moved by J. Mathieu, seconded by D. Haywood and carried to approve the amended site plan and to grant the variance with the following conditions:

1. Submission of proof of approval of the proposed construction by the Hunterdon County Board of Health.
2. 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 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.
3. 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.
4. 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.
 5. 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.
 6. 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.
 7. 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.
 8. All condition of the prior preliminary and final site plan approval granted pursuant to a memorializing resolution dated July 8, 2002 shall remain in full force and effect.

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

Cacciabaudo – Block 37, Lots 3.05, 3.06 & 3.07 - Federal Twist Road – Amendment to Prior Approval

D. Pierce stated the applicant will not be appearing this evening. The applicant initially thought they would need to come back for an amendment to their approval to construct a smaller paved apron. Based on the discussion T. Decker had with the DEP in regard to the widening of the driveway to the required 16' in terms of improved surface, the applicant will go back to the DEP for a permit modification to allow the extension of the paving of the apron to comply with Township requirements.

Resolution No. 2010 – 03

It was moved by J. Burke, seconded by S. McNicol and carried to adopt Resolution No. 2010-03 - Cacciabaudo – Block 37, Lots 3.05, 3.06 & 3.07 - Federal Twist Road – Request for Extension of Time, with the following correction:

Block 39 should be changed to 37 in the title of the resolution as well as the first paragraph.

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

Approval of Minutes

It was moved by J. Mathieu, seconded by S. McNicol and carried to approve the minutes of January 12, 2010 and place on file with the following correction:

Page 3 – “rays” should be replaced with “arrays”.

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

APPLICATION STATUS

Grossman – Block 6, Lot 23.

CORRESPONDENCE

Letter from Kingwood Township Code Enforcement Official to G. DeSapio - R. Dodds read the letter to the Board members.

ANJEC – Smart Growth Planning Grant Program

A. Clerico stated ANJEC makes funding available to municipalities every year. She is suggesting the Board submit a proposal for the funding of a Sustainability Plan Element. She will provide the proposal for the Board to review at their March meeting.

ANJEC – Resource Papers

A. Clerico stated ANJEC’s website is a great resource site.

COAH - Requesting Additional Information for Third Round Substantive Certification

E. Niemann stated Gov. Christie put a temporary freeze on all COAH activities pending the review by a task force which will be headed by M. Karrow.

A. Clerico stated the letter was in response to the Township’s submission to COAH. COAH came back requesting the additional information in the letter. She is waiting on a couple of items. The attorney is working on two developer’s agreements, Melnyk and Route 12 Properties. They will be requesting a 30-day extension from COAH.

Draft Ordinance

D. Pierce stated the draft ordinance deals with the container storage business that B. Casucelli brought before the Board last month. He had several questions as to what the Board would like to see as requirements. The draft limits the size of the containers to 8x20, which is the largest size of PODS

containers. B. Casuscelli had informed the Board last month the size of containers in his proposal would be 8x20 and 8x40. What size limitation does the Board think is appropriate? The draft allows containers to be placed on residential properties for 60 days. There is a \$5.00 registration fee paid to the zoning officer. The draft also provides for the storage containers in the Business Park zone. The use in the Business Park zone is for the actual business of storing the empty containers while they are waiting to be rented. The conditions in the Business Park zone are a restriction on the size of the container, delineation of the area on which they would be stored, the area would be required to be improved with gravel (gravel areas are considered impervious coverage by township requirements and stormwater management), the area would have to be surrounded by security fencing and screened with adequate landscaping, the securing of the site either by locking each container or the security fencing when no one is present on the site and how high the units can be stacked.

A concern was raised regarding changing the permitted uses in a zone because an individual came in requesting that type of use. D. Pierce responded the distinction is that this type of use was not in existence when the ordinance was adopted and prohibited its use. The use of PODS has become prevalent and it is reasonable to allow some use in the Township for the residents of the Township. In response to a concern by a Board member, he responded under the general prohibition of cargo containers, the use of the containers is prohibited anywhere in the Township. The only exemptions in the proposed ordinance are in Sections 132-30C and 132-35D. Section 132 is only for the AR-2 zone and 132-35 is for the BP zone. The use in the BP zone is only for the business engaged in the business of the renting of the PODS. Residential use is limited to one unit. In the business use, the proposal is that they have to be stored in a designated area on the site plan. The area would have to be improved with gravel and be considered impervious permanently. Temporary storage containers are only allowed in the AR-2 zone. If a business wanted to use a POD for storage, they would have to come before the Board of Adjustment for a variance. A limitation or requirement on the size of the business as well as the hours of operation can be part of the site plan. Currently, even though the ordinance prohibits the use, an applicant can go before the Board of Adjustment and obtain a variance, in either the business or residential zones. There were also concerns raised in regard to securing the containers, securing the site and landscaping.

After a lengthy discussion on the subject, D. Pierce stated he will be making some revisions to the ordinance based on the comments this evening and presenting it to the Township Committee at their next meeting for a first reading. After the first reading, it will be returned to the Planning Board for a recommendation of adoption.

J. Burke stated the Township reviewed their existing ordinance to see if the proposed use was an appropriate use. The Committee determined the new use would be an appropriate use in the Township. The Committee is reviewing current ordinances to see if they fit the current times. The Planning Board will review the site plan and if there is an appropriate amount of acreage for the appropriate amount of containers, the Board may determine it is in favor of the project. The Board has the latitude to make the project visually appealing. He stated there are ways of laying out the business district so it has an appealing look when you enter the Township.

There was further discussion on the ability of the Planning Board, through site plan review, to ascertain that the look of the business zone, when entering the Township, is how they envision it to appear.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by J. Burke, seconded by J. Strasser and carried to adjourn the meeting at 8:43 PM. All members present voted **AYE**.

Respectfully submitted,

s/Diane Laudenbach

Diane Laudenbach, Secretary