

MINUTES

PRESENT:

J. Burke
R. Dodds
D. Haywood
T. Kratzer
J. Mathieu
E. Niemann
L. Sensus
J. Strasser
M. Synchron, Alt #1
D. Banisch, Planner
D. Pierce, Attorney

ABSENT:

S. McNicol

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 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

Resolution No. 2010 – 17 -Route 12 Business Park – Block 15, Lot 8.04 – Unit A 8-12 – Route 12 – Hunterdon Sports Range

It was moved by D. Haywood, seconded M. Synchron and carried to adopt **Resolution No. 2010 – 17 -Route 12 Business Park – Block 15, Lot 8.04 – Units A 8-12 – Hunterdon Sports Range.**

T. Kratzer inquired about the remaining capacity for the septic and the water supply in the area. D. Banisch responded the treatment facility is being underutilized. It was oversized as per the DEP. It is a modular system that can be expanded. He has his own water supply and there is nothing specific about what the well produces. There doesn't seem to be an issue with water supply as per A. VanVeldhuisen.

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

Public Hearing on Draft Open Space and Recreation Plan Element

D. Banisch stated he has circulated some revisions to the draft that have been on file for the public for the last ten days. The revisions include a number of comments from the Environmental Commission and a brief discussion on the Open Space survey. He is adding the survey in its entirety as an appendix. There are a couple

of revised Figures. It is being presented this evening for the consideration of the Board. Figure #10 includes a picture of the Township and identifies the approximate location of three different trails, the Kingwood Park, High Falls and D & R Canal. The separate window on the page identifies the trails in the municipality by location.

There was a brief discussion on the location of the trails on Figure #10. The trail at the Kingwood Park should cross the bridge and make the loop around the park. The addition of the Bluff, Kugler Farm, Flagg and Kirkland trails will be added. There was also one field not delineated on Figure #11.

In response to a Board member's comment regarding the changes being considered as substantive and requiring an additional public hearing, D. Pierce responded there have been changes to the documents on file and the Board will have to continue the public hearing to have the amended plan on file at least 10 days prior to adoption. If the hearing is adjourned, it will not have to be re-noticed.

D. Banisch stated Figure #2 is the most substantive component of the plan. If any site shown on the map is a proposed preservation acquisition, the process would be streamlined. The application would not have to be a full blown application but a letter with some straight forward mapping. Figure #2 is a living document and the guts of the plan. It should be viewed as a capital spending plan. The Environmental Commission requested cross-hatching replace the original coloring. He decided to show the state properties in dark blue, the preserved farms in dark green, the target farms in dark green cross-hatching and the potential acquisitions in light green cross-hatching. He stated the outlines may or may not be necessary. The coloring could be done as the properties are preserved. He prefers Figure #2's take on the coloration of the hard copy which is more readable than the cross-hatched map.

R. Dodds stated a piece near Stompf Tavern Road was purchased with a pedestrian easement on the bottom edge of it but the rest of it was not a fee simple purchase by the state. The property is owned by the Mergotts. It is available outside of hunting season and goes along the edge of the property. He suggested D. Banisch contact the Hunterdon Land Trust for more information. The orange parcel on Barbertown Idell Road, the Clark property, was purchased as fee simple by the State. It is maintained by the Hunterdon Land Trust. The piece on Horseshoe Bend and Spring Hill Roads is the most recent. D. Pierce stated a parcel northwest of that parcel, the Felix Farm, has been preserved through farmland preservation.

D. Banisch stated individual land owners might question why their parcels have been targeted on the Recreation and Open Space System Map. The response should be it is part of a grander plan to make sure that any opportunity that comes along the Township can capture.

The Board discussed some other minor changes that need to be revised on the map and possibly clarifying the coloring.

D. Banisch stated the following recommendations were added:

Recommendations

- The Open Space and Recreation System Map needs to be kept updated with any new acquisitions or information changes;
- A system of naming trails and open space properties is needed (in cooperation with Historical Society);
- A coordinated system of signs should be developed – directional, site identification and within the parks and open space properties;

- Continue to build partnerships with State, County and private non-profit agencies to acquire open space and utilize available funding for both preservation and passive and active recreation facilities development; and
- Periodically conduct citizen outreach and survey the residents to determine local open space and recreation needs.

After some discussion, the Board decided it did not like the cross-hatched map.

The following corrections or alterations were made by the Board members:

Page 1 - Second paragraph, 3rd sentence, remove the word “western”;

Page 10 – Second line – “acquire” should be replaced with “acquire”;

Page 7 – Table 5 does not follow the order;

Page 12 – Under Agricultural, Scenic and Historic Resources, 3rd line from the bottom, the footnote indicates “77” rather than “7”;

Page 27 – The survey should be referenced rather than summarized. It should go into detail after referencing the appendix.

R. Dodds opened the hearing to the public.

L. Frank, Tumble Idell Road, inquired why the trails would be maintained by the Historical Society. R. Dodds stated the naming of the trails would be done by the Historical Society in the tradition with the Historical Society naming the roads.

R. Dodds adjourned the public hearing on the Open Space and Recreation Plan Element to October 12, 2010 beginning at 7:30 PM, at this location.

Picnic Grove Road – Vacation

J. Burke stated he was unable to get an answer and free appraisal from the DEP. The Township would have to file an actual application. Possibly, the Township can go through T. Decker and see if there is something preliminary the Township could file to get a determination. J. Burke will be contacting T. Decker.

County Approval of Septic Testing

T. Kratzer stated the County has relied on the Township in instances where there are variances needed for certain locations for replacement systems. The Board of Health has had quite a few. The Board of Health is looking for guidance from the County as to what they would recommend for alternative systems, such as possibly the peat system, that can be used in wet areas. The County has been invited to the Board of Health meeting to express their suggestions. Also, the County does not review subdivision plans for septic suitability.

D. Pierce stated, the review by the County of subdivision plans, was something T. Decker has recommended. In order to have the County review the subdivision plans, an ordinance amendment would have to be adopted by the Township committee to amend the checklist and have a designation by the Township for the County to be their septic suitability agent. Currently, there is no review other than the applicant providing testing and certifying the results. T. Decker checks their calculations and data. The matter was tabled to the October meeting and T. Decker was in attendance.

Proposed Ordinance No. 16-16-2010 – Solar and Photovoltaic Facilities

D. Banisch stated all the Board's comments up to this point have been incorporated into the version in the proposed draft ordinance. He has not received any comments from the Construction Code Official.

It was moved by D. Haywood, seconded by J. Mathieu and carried to recommend to the Township Committee for adoption proposed Ordinance No. 16-16-2010 with the following amendments/changes:

Page 1 – 132-4 – Definitions – Change “production of electrical energy” to “production of energy”;
Page 2 – 132-4.1.c – change “electricity” to “energy”;
Page 5 – 132-102.P.8 - Line 10 – change “shall be a minimum” to “shall be”.

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

PRIVILEGE OF THE FLOOR

L. Frank, 41 Tumble Idell Road, inquired if Kingwood Township's soils are rated? D. Banisch responded the maps from the NRCS, which can be found in the ERI, rate the soils in the Township.

D. Banisch left the meeting at 9:12 PM.

Approval of Minutes

It was moved by J. Mathieu, seconded by J. Burke and carried to approve the minutes of August 10, 2010 and place on file with the following correction:

Page 4 – Paragraph 7 – 2nd line – change “convertors” to “invertors”.

All members present voted **AYE** on **ROLL CALL VOTE**, except E. Niemann and J. Strasser, who abstained.

APPLICATION STATUS

CORRESPONDENCE

Borough of Frenchtown – Proposed Ordinance

PRIVILEGE OF THE FLOOR

D. Haywood stated if the Township is going to consider introducing an ordinance addressing wind power. Wind power is much more intrusive than solar, not just visually but audibly. D. Pierce stated the ordinance allows wind driven energy equipment which meets certain set back requirements.

E. Niemann stated she attended the September Board of Adjustment meeting and they had two applications for solar generating facilities in the Township, one on Block 15, Lot 4.02 and Block 12, Lots 16 & 16.01. The applications have been deemed complete and will have their public hearing on October 13, 2010. D. Pierce stated the properties are between 20 and 25 acres each. The applicants are proposing the entire property for solar panels. He stated if the Township Committee acts on the solar ordinance on October 5th, the applicant would be notified. They would be able to bring an application to the Planning Board for conditional use or amend their application to the Board of Adjustment for a variance to meet the conditions of a conditional use. The application would be delayed at least a month. It would be up to the applicant. Windmills and wind energy equipment are considered accessory uses and structures in the Township with setback requirements. The

ordinance does not specify separate setbacks but does provide that they may be of such height to function adequately. J. Burke stated there is one in Alexandria and two in Delaware Townships.

It was requested the matter be listed on the October agenda.

ADJOURNMENT

It was moved by J. Burke, seconded by J. Strasser and carried to adjourn the meeting at 9:28 PM. All members voted **AYE**.

Respectfully submitted,

s/Diane Laudensch

Diane Laudensch, Secretary