

**MINUTES**

**7:30 PM**

**PRESENT:** R. Dodds  
P. Lubitz  
J. Mathieu  
S. McNicol  
E. Niemann  
J. Strasser  
M. Syrnick  
D. Floyd, Alt #1  
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**

D. Pierce swore in M. Syrnick as a regular member of the Planning Board and D. Frank Floyd as Alternate Member #1 of the Planning Board.

**Nomination of Vice-Chairperson**

J. Mathieu nominated and E. Niemann seconded M. Syrnick as Vice-Chairperson of the Planning Board for 2012.

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

J. Mathieu thanked D. Haywood for her many years of service to the Township through the Planning Board.

**Block 8, Lot 25.01 & 25.15 – Rabosky - Lower Oak Grove Road – Boundary Line Adjustment - Determination of Completeness**

G. Rabosky, R. Lorentz, engineer of Heritage Consulting Engineers and P. Batten, surveyor, was present for the application this evening.

R. Lorentz stated the applicant is here this evening for a determination of completeness. There were several items that were not included in the submission. He has submitted a letter to the Board this evening outlining the specific waiver requests. In regard to #14, the property was the subject of a study done in 2005, when the original subdivision was done and no wetlands were found at that time and they are proceeding on that basis. It is a simple lot line adjustment. In regard to #16, they did not submit it since there is no construction activity or soil movement anticipated other than what was contemplated with the original subdivision. It is identical to what was previously approved. There are no changes. In regard to #17, the property is in zone “B”, a minor project and it not subject to review. In regard to #35, there is a requirement for contours beyond the properties which is not necessary. The applicant has provided contours within the property but not 200’ beyond it. In regard to #36, which requires the drainage facilities 200’ beyond the property, the application is for a simple lot line adjustment and does not get into that area of concern. R. Lorentz will submit all the items requested in T. Decker’s letter of January 31<sup>st</sup> prior to the hearing. R. Lorentz stated once the construction of the driveway apron starts it will require input from Soil Conservation. He stated there is an elaborate and detailed plan for the common driveway.

D. Pierce suggested a two phase approach. One motion is to grant certain waivers and the second is to deem the application conditionally completed upon the submission of the items discussed. The waivers will be for Checklist Item Nos. 14, 16 and 17 and Plan Requirement Checklist Nos. 35 and 36.

It was moved by P. Lubitz, seconded by S. McNicol and carried to grant waivers for Checklist Item Nos. 14, 16 and 17 and Plan Requirement Checklist Nos. 35 and 36. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by J. Mathieu, seconded by S. McNicol and carried to deem the application conditionally complete pending the submission of Checklist Item Nos. 7 and 15 10 days prior to the hearing date of March 8, 2012. All members present voted **AYE** on **ROLL CALL VOTE**.

R. Dodds and E. Niemann recused themselves from their position on the Board for the following matter.

M. Syrnick chaired the meeting for the following matter.

**Laurelton Belmont Properties, LLC – Block 22, Lots 15.01 and 16 – Hammer Road –Request for Extension of Time to File**

D. Pierce stated he had spoken to the attorney for the applicant and they will not be appearing tonight. He has written a letter to the applicant in response to their letter to the board requesting an extension. He had spoken with D. Banisch and D. Banisch concurs with D. Pierce that the particular project does not fit within the definition of the projects for which they can obtain a five year extension of approval. The problem is that Dr. Nenna is running up against the expiration of his final extension of time to perfect the subdivision. He is looking at different options to keep it alive. He informed them that the only way for them to complete the project, is to post the guarantees and file the plats. The MLUL does not permit the Board to sign the plats until the guarantees for public improvements are posted. The Board cannot waive that requirement. There is no action to be taken.

R. Dodds and E. Niemann resumed their seats on the Board.

**Resolutions**

It was moved by J. Mathieu, seconded by P. Lubitz and carried to adopt **Resolution No. 2012-01 - Sundancer – Block 24, Lots 4 & 7 – Muddy Run & Barbertown Pt Breeze Rd – Final Site Plan Approval**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser and D. Floyd, who **ABSTAINED**.

It was moved by E. Niemann, seconded by M. Synchron and carried to adopt **Resolution No. 2012-02 - EffiSolar – Block 23, Lot 11 – Route 519 –Final Site Plan Approval**

D. Piece stated he has spoken with the applicant’s attorney and he has requested two changes to two conditions of the resolution, #6 on page 8 and #13 on page 10. He would like the following wording added “for each phase of the construction”. He has no objection to making those changes. He stated the approval recognizes and incorporates the additional conditions of Phase II. Before the applicant can get their building permit, they have to satisfy all the conditions for Phase II.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser and D. Floyd, who **INELIGIBLE**.

**Proposed Ordinance No. 17-01-2012 – Flood Plain (FEMA)**

It was moved by P. Lubitz, seconded by S. McNicol and carried to determine proposed Ordinance No. 17-01-2012 is not inconsistent with the Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**.

**Proposed Ordinance No. 17-02-2012 – Wind Energy Systems**

It was moved by J. Mathieu, seconded by F. Floyd and carried to determine proposed Ordinance No. 17-02-2012 is not inconsistent with the Master Plan. All members present voted **AYE** on **ROLL CALL**.

**Proposed Ordinance No. 17-03-2012 – Noise Control Ordinance**

It was moved by P. Lubitz, seconded by S. McNicol and carried to determine proposed Ordinance No. 17-03-2012 is not inconsistent with the Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**, except D. Floyd who was **INELIGIBLE**.

**Minutes**

It was moved by J. Mathieu, seconded by S. McNicol and carried to approve the minutes of January 12, 2012 with the following correction:

Page 9, paragraph 11 - “\$50,000” should be changed to “between \$40,000 and \$60,000”. (corrected on original set of minutes)

All members present voted **AYE**, except D. Floyd, who was **INELIGIBLE**.

**APPLICATION STATUS**

## **CORRESPONDENCE**

R. Dodds reviewed as per the agenda.

## **PRIVILEGE OF THE FLOOR**

E. Niemann announced there are several State Strategic Plan meetings scheduled in the near future. S. McNicol will be going. She stated the county planning department might have the potential loss of four planners. She suggested it might be a good time to start to learn to utilize the services the county can offer to municipalities to try and reduce the Township's expenses.

R. Dodds stated the Township's OEM, J. MacConnell is working with FEMA on inundation maps. Lake Nockamixon dam has been reclassified as a high risk dam. He announced there will be a clean up on Saturday at 9:00 AM at the new park.

S. McNicol announced there will be an information session at the Kingwood School on Saturday, February 11 at 2:00 PM for the Habitat for Humanity projects to determine eligibility.

## **ADJOURNMENT**

It was moved by P. Lubitz, seconded by J. Mathieu and carried to adjourn the meeting at 8:11 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschick, Secretary**