

**MINUTES**

**7:30 PM**

**PRESENT:**

R. Dodds  
P. Lubitz  
J. Mathieu  
S. McNicol  
E. Niemann  
M. Syrnick  
D. Banisch, Planner  
D. Pierce, Attorney

**ABSENT:**

J. Strasser  
D. Floyd, Alt #1

**CALL TO ORDER**

The meeting was called to order at 7:31 PM 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 MATTER**

R. Dodds announced the loss of Planning Board and Board of Health member Todd Kratzer on October 7, 2012. He requested a moment of silence.

**Land Use Element – Public Hearing**

D. Banisch provided to the Board and the members of the public a quick review of the Land Use Plan. He stated the plan advances a series of policy recommendations: designate a Route 12 Scenic Corridor Overlay (SCO) that extends the entire length of Route 12 and create an Eastern Gateway Village Center Overlay (EGVCO), which increases the density and diversity of land uses along Route 12 using a smart growth mixed use configuration. The plan also identifies a policy change for the AR-2 district by increasing the minimum lot size for the existing one unit per 7 acres to one unit per 10 acres. The reasons for the increase in minimum lot size is due to ground water recharge, nitrate dilution, septic development and the depth to bedrock of all zones in the Township which ranges from 0-60". There are ground water recharge, yield limitations and a high depth to seasonal high water found throughout the Township. The Board evaluated the current agricultural land use characteristics and found that 25% are characterized as statewide prime soils and 70% of all soils as statewide important soils. The average farm size in the Township is 30 acres and farms cover 65% of the Township. In support of the increased minimum lot size requirements, the Planning Board has evaluated the Agricultural Protection Zone (APZ) in other municipalities which has been upheld in the courts. The recommendation in the

Plan of a minimum lot size requirement of 10 acres is supported by the policy Land Use Goals and Objectives of the Land Use Plan. The Land Use Plan contains minor policy recommendations. The minor policy recommendations are to the minor subdivision option requiring a minimum lot size frontage of 300', combination of driveway access where possible with shared driveway access agreements, establish a requirement for a primary and reserve septic system, increase the time for resubdivision from one year to five years, to identify historically significant settlement and nodes and to implement some regulatory controls to protect these resources by establishing appropriate buffering and screening to protect them from modern visual, noise or traffic impacts. In regard to the rural historic roads and scenic corridors, they are established to protect the existing character of the rural road network and to protect roadside features. It is an important feature to maintain the rural character of the municipality. The maintenance might include replanting wherever natural vegetation is removed, the use of common driveways and limited access for new streets to limit driveway cuts and discouraging or prohibiting the removal of vegetation and existing roadside features and the alteration of grades. In order to preserve rural historic roads and character, historic features along the roads such as stone rows, hedgerows, stone retaining walls and fences should not be disturbed.

It was moved by P. Lubitz, seconded by S. McNicol and carried to open the public hearing on the Land Use Element of the Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**.

A. Belle commented on the following items: The misidentification of his property as being preserved on Figure 17, setback requirements, maximum density and the impact of the EGVC0 on the west side of Route 12, his inability to construct his home due to the fact of the current well ordinance requirements and the references used in the Land Use Plan, the APZ zone and the requirement of a 10 acre minimum lot size, the SCOs benefit to the farmers in the Township and the devaluing of a property, the increase in the minimum lot frontage to 300', shared driveways, reserve septic system requirement and the inability to have a 2 acre lot with the recommended policy changes due to setbacks for wells and septic. D. Banisch responded to the reasoning behind the recommendations contained in the Land Use Plan.

D. Pierce stated J. Mathieu had left the public hearing for a period of time and it would be inappropriate for J. Mathieu to participate in the vote on the closing of the public hearing and on the adoption of the Land Use Element.

It was moved by P. Lubitz, seconded by S. McNicol and carried to close the public hearing portion on the Land Use Plan. All members present voted **AYE**, except J. Mathieu who was ineligible.

D. Pierce stated the next step is to see if the Board would like to make any amendments to the Plan after hearing the issues raised by the public.

D. Banisch stated when he was preparing his outline for comments this evening he noticed some typographical errors in the Land Use Plan Element. The corrections would be limited to spelling, capitalization and punctuation and would not change the substance of the plan.

It was moved by E. Niemann, seconded by P. Lubitz and carried to adopt the Land Use Element of the Master Plan. All members voted **AYE** on **ROLL CALL VOTE**, except J. Mathieu who was ineligible.

Proposed Ordinance No. 17-15-2012

D. Pierce stated the draft before the Board incorporates the changes from the September meeting by removing the items not related to threatened and endangered species.

S. McNicol stated she had informed the Environmental Commission that there were a few changes made to the draft ordinance. She has not received any comments from the Board members.

It was moved by P. Lubitz, seconded by S. McNicol and carried to submit the draft to the Township Committee for introduction and adoption on first reading. All members present voted **AYE** on **ROLL CALL VOTE**.

## RESOLUTIONS

It was moved by J. Mathieu, seconded by S. McNicol and carried to adopt **Resolution No. 2012 – 07 - Perrotti – Block 23, Lot 11 – Route 519 – Extension of Preliminary Approval**. All members present voted **AYE** on **ROLL CALL VOTE**.

## MINUTES

It was moved by J. Mathieu, seconded by M. Synchron and carried to approve the minutes of September 13, 2012 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**.

It was moved by P. Lubitz, seconded by S. McNicol and carried to approve the minutes of September 26, 2012 and place on file with the following correction:

*J. Mathieu was absent (corrected on original set)*

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

## PRIVILEGE OF THE FLOOR

A. Belle inquired what the title of proposed Ordinance No. 17-15-2012 was. S. McNicol read aloud the title.

## APPLICATION STATUS

## CORRESPONDENCE

R. Dodds reviewed as per the agenda.

## ADJOURNMENT

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

**Respectfully submitted,**

**Diane Laudenschach, Secretary**