

MINUTES

7:30 PM

PRESENT:	R. Dodds	ABSENT:	J. Mathieu
	P. Lubitz		D. Floyd
	S. McNicol		
	E. Niemann		
	J. Strasser		
	M. Syrnick		
	T. Decker, Engineer		
	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 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

Syncarpha – Block 21, Lot 1 – Barbertown Point Breeze Road – Final Approval – Public Hearing

D. Pierce announced he has reviewed the proof of publication and service and the applicant has satisfied the notice requirements. The Board may open the hearing.

R. Dodds announced that at a public hearing the applicant has the opportunity to present their plans, the board will comment on the presentation and then open up the hearing to the public for comment.

M. Peck, attorney for the applicant, was present for the application this evening. He stated the property is known as 550 Barbertown Point Breeze Road, Block 21, Lot 1 and is located in the Business Park zone.

E. Hill, engineer, was previously accepted by the Board as an expert in the field of engineering.

D. Pierce swore in E. Hill.

E. Hill stated the preliminary site plan was approved on July 12, 2012. In October revised plans for final site plan approval were submitted. The revised plans contained most of the conditions of the preliminary site plan approval. T. Decker issued a review letter on November 2, 2012 for compliance of the resolution conditions.

He is present this evening to briefly present the application. There are no substantial changes to the site plan. All of the revisions were to address the conditions of approval. The applicant is in the process of obtaining outside approvals. There is one comment from the DRCC and one from Soil Conservation District referring to stormwater management for the temporary gravel driveways to the inverters during construction. The original stormwater calculations remain unchanged since the gravel roadways will be removed.

In reference to T. Decker's letter of November 2, 2012, there is nothing in the letter that the applicant cannot comply with, agree to and supply the additional requested information. Most of the comments are for an expansion of the notes and details on the plan and not technical in nature. There will be no impact on the drawings submitted with the application.

T. Decker stated the application is basically the same as the other solar facilities. It has received preliminary approval and has moved forward. It has satisfied not all but most of the preliminary conditions and has applied for final approval. Any outstanding conditions will roll forward to the final approval. They are very minor items such as, notes and clarifications. The two biggest items are the outside agency approvals, which do not appear to have any impact on the design of the site.

R. Dodds opened the hearing to the public.

C. Compton, Captain, Kingwood Township Rescue Squad, stated she had no problems with the plan.

R. Hanley, Jr., Captain, Kingwood Township Volunteer Fire Company, stated the applicant has agreed to the gates, access points and reinforced roadways to the inverters that they requested. There are no issues with the plan.

R. Dodds closed the public portion of the hearing.

It was moved by P. Lubitz, seconded by M. Syrnick and carried to grant final site plan approval with the following conditions:

1. Receipt and submission of approval from the Hunterdon County Soil Conservation District.
2. Receipt and submission of approval from the Delaware and Raritan Canal Commission.
3. Receipt and submission of written approval from the Kingwood Township Fire Chief of compliance with the sign requirements specified by the Chief of the Kingwood Township Fire Company.
4. Continued maintenance of the landscape buffer area in accordance with the landscape maintenance plan.
5. Immediate removal and off-site disposal of all woody material (brush and trees) removed for purposes of this project.
6. Satisfaction of the items set forth in the review letter of Thomas Decker, P.E., dated November 2, 2012.
7. Satisfaction of items # 13, 14, 16, 17 and 19 of the Memorandum of David Banisch dated June 14, 2012.
8. This approval is subject to a post-construction inspection of the landscaping by the Board's planner and any modifications to the quantity and location of landscaping required, to be consistent with the density and diversity of the proposed plantings along Route 12, where deemed reasonably necessary by the Board planner to adequately screen the facility, to consist of linear plantings at a frequency of not greater than 35 feet on center.
9. The facility shall conform to the National Electrical Code and the IBE 2009 Code.

10. The submission and approval by the Fire Company and Rescue Squad of an Emergency Management Plan shall be a condition of the issuance of a Certificate of Occupancy for the facility and required before it may commence operations.
11. Satisfaction of items # 3, 12, 16, 29, 31, 37, 38 and 41 set forth in the review letter prepared by Thomas Decker, P.E. and dated May 24, 2012.
12. Removal of all debris piles from the property.
13. Submission of documentation verifying the proper abandonment of the existing septic system and potable well.
14. The emergency information sign shall be revised and updated within 14 days of any change in the identity of the owner or operator of the facility.
15. The applicant shall provide secondary containment for fluids that could be leaked from the transformer, with the design and capacity of such secondary containment to be approved by the Board's engineer and planner in conformance with applicable codes.
16. Hours of construction shall be limited to 7am to 7pm and noise generating activities shall comply with the noise ordinance.
17. The construction of the proposed facility shall occur in the following phasing sequence:
 - a. Signs shall be installed first;
 - b. After installation of the signs, the interior road shall be constructed;
 - c. After the interior road is completed, the applicant shall install the perimeter security fencing;
 - d. Once the security fencing is finished, the applicant shall install the landscaping unless construction is commenced after the growing season in which event the applicant shall complete the installation of the landscaping during the next growing season immediately following the start of construction. Landscaping for the staging area shall be installed following the removal of the staging area;
 - e. The Applicant shall complete the installation of the landscaping before the issuance of a Certificate of Occupancy. Alternatively, the Applicant shall post a performance bond to cover the installation of the landscaping, in an amount approved by the Township engineer prior to securing the issuance of a Certificate of Occupancy; and
 - f. Once the signs, road and security fencing is complete, and subject to item d above, the applicant may then begin the installation of the solar panel racking system.
18. Submission and approval by the Board planner of a Landscape Plan revised to address items # 10 and 11 of the Memorandum of David Banisch dated June 14, 2012.
19. Deliveries of equipment and materials for the construction of the proposed facility shall access the property from Route 12.
20. The staging area shall be subject to increase in size as may be directed by the Township engineer in the field.
21. The applicant shall comply with the requirements of the Kingwood Township Conservation Easement ordinance, including:
 - a. Recordation of a Conservation Easement or deed restriction that shall be subject to review and approval by the Board's professionals;
 - b. Installation of Conservation Easement markers; and
 - c. Submission of a baseline documentation report before the issuance of a building permit;
22. All locks on gates to the property shall be accessible from both sides.
23. The paths to the inverters shall be reinforced with a permeable mesh in lieu of the use of gravel to construct the paths.
24. The Applicant shall be responsible for the repair of damage occurring during construction to the area of the public right of way and public roadways caused by the applicant's employees, agents, contractors, vendors and/or invitees.

25. The project shall be subject to the review and approval by the Kingwood Volunteer Fire Company and Rescue Squad.
26. Submission of a 2 year performance guarantee for the landscape buffer plantings and vegetative cover.
27. The Applicant must attend a pre-construction conference with the Township engineer.
28. The Applicant must provide 48 hours notice to Township engineer in advance of commencement of construction activities.
29. No maintenance shall be conducted after dark except in the case of emergency.
30. The Applicant shall provide site specific training for the Kingwood Township Volunteer Fire Company and Rescue Squad before the facility becomes operational.
31. The Applicant shall submit one copy of all revised plans in electronic format.
32. The Applicant shall provide additional interior fencing, 8' high, with a man gate around the switch gear and transformer.
33. No fill material shall be used on site unless approved in advance by the Township engineer.
34. All parking, including during construction, shall be on site; no parking or idling shall be permitted on or along the public road.
35. All foundations are to be removed in accordance with the recommendations of the geotechnical soils report to the depth necessary to allow future farming of the site.
36. No grading shall be permitted in areas of prime soils and soils of statewide significance except for the purpose of installing roads and equipment pads.
37. No soil shall be removed from the Property.
38. Submission of a cost estimate for landscaping revised to address the comments set forth in the review letter of Thomas Decker, P.E., dated November 2, 2012 and subject to review and approval by the Board's professionals.
39. The Applicant shall remove any staging area fence upon completion of the perimeter fencing.
40. There shall be no security lighting allowed in the staging area.
41. All components of the facility must be designed to withstand winds with a 90 mph ground level wind velocity.
42. Subject to the de-compaction of the staging and other areas as deemed necessary by the Board engineer.
43. All shale excavated from the Property shall be used to enhance the internal road or otherwise used in accordance with the direction of the Township engineer and planner.
44. A landscape architect or certified arborist shall be on site to supervise the installation of the landscaping.
45. The Applicant shall have the existing dwelling photo documented by an historian or architect prior to demolition and submit that photo documentation to the Township Historical Society.
46. The applicant shall install temporary traffic control signs that designate the construction entrance, the prohibition on idling and warning of the approach to the construction entrance, all subject to approval by the Township engineer as to location and content.
47. The Applicant shall make a preconstruction announcement to the contractor regarding the need for compliance with local laws, including speed limits, and the parking and idling restrictions contained in this resolution.
48. The Applicant shall provide a certification from all contractors and subcontractors that no employee, if they were residing on the Property, would be required to provide a Megan's law certification.
49. The Applicant shall provide Board professionals with print copies of all revised plans that are submitted in electronic form.
50. The location of all emergency shut off switches shall be approved by the Board planner, Board engineer and first responders.

51. The Applicant shall submit a list of materials of construction of the solar panels.
52. The Applicant shall comply with the Decommissioning Plan.
53. If the power output of the facility exceeds 8.3 MW, or if there is any change in equipment utilized at the facility, including, but not limited to the solar panels, inverters and transformer, then the applicant shall notify the Planning Board, the governing body, the Fire Company and the Rescue Squad and shall comply with any and all additional safety requirements deemed necessary by the Fire Company and/ or Rescue Squad.
54. The Applicant shall submit one copy of an as-built in electronic form and via hard copy.
55. The applicant shall, prior to the issuance of a building permit, enter into a Developer's Agreement approved by the Township Committee and which contains appropriate provisions for the bonding or completion of public improvements, and the bonding of the landscaping maintenance guarantee, prior to the issuance of any Certificate of Occupancy or Certificate of Completion.
56. The applicant shall have three (3) years from the date of the adoption of this memorializing resolution to obtain a construction permit and complete construction of this project. If during said three (3) year period, or extension thereof as granted by the Board pursuant to N.J.S.A. 40:55D-52, a construction permit is not obtained, or if such permit is obtained but work not completed within 24 months of the issuance of the permit, all relief granted in this memorializing resolution shall expire and automatically become null and void.
57. The Applicant shall submit Plans revised to include Notes listing each condition of approval.
58. The Township of Kingwood is dedicated to providing affordable housing and has established an affordable housing program with supporting land use ordinances and a housing trust fund based on the Fair Housing Act of 1998.
 In the event that the calculation to be performed under the growth share ordinance determines that there is no growth share obligation associated with the proposed development, then the development fee ordinance shall be applicable. The development fee ordinance requires a developer, pursuant to 132-13 of the Kingwood Township Code, to pay a development fee to the Kingwood Township Affordable Housing Trust Fund.
 The applicant shall pay fifty percent (50%) of the estimated developer's fee, if any, to Kingwood Township prior to the issuance of building permits based on the Tax Assessor's estimated assessed value and his determination of the appropriate developer's fee. Building plans and as-built building plans for each development subject to payment of the developer's fee must be provided to the Tax Assessor and the remaining portion of the developer's fee shall be paid at the time of issuance of a Certificate of Occupancy for the new development. This paragraph does not constitute any determination by the Board as to whether the applicant is required to pay a developer's fee.
59. 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. This memorializing resolution shall not be released to the applicant unless all outstanding escrow fees have been paid and the applicant's escrow account contains sufficient funds to cover anticipated unbilled expenses.
60. Approval of this application by the Planning Board shall not and is not to be considered as an approval of any other requirements or approvals of permits as may be necessary to allow construction.
61. 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 between the terms and/or condition of the within approval and any approvals(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon property application.

- 62. The Kingwood Township 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.
- 63. 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.
- 64. 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 application, 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.

All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

Proposed Ordinance No. 17-15-2012 - AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP ESTABLISHING THE ROUTE 12 SCENIC CORRIDOR OVERLAY (SCO) ZONE AND ROUTE 12 SCENIC CORRIDOR OVERLAY ZONE REGULATIONS.

It was moved by E. Niemann, seconded by M. Syrnick and carried to determine that proposed Ordinance No. 17-15-2012 is not inconsistent with the Township’s Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

Proposed Ordinance No. 17-16-2012 - AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP ESTABLISHING EASTERN GATEWAY VILLAGE CENTER OVERLAY (EGVCO) ZONE AND REGULATIONS.

It was moved by E. Niemann, seconded by M. Syrnick and carried to determine that proposed Ordinance No. 17-16-2012 is not inconsistent with the Township’s Master Plan. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

Resolution No. 2012- 08 – Adoption of Master Plan – Land Use Element

It was moved by P. Lubitz, seconded by S. McNicol and carried to adopt **Resolution No. 2012- 08 – Adoption of Master Plan – Land Use Element**. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

T. Decker stated the solar facility on Muddy Run Road was purchased by ConED and will be coming in with updated plans. The project should be constructed in 2013.

T. Decker left the meeting at 7:48 PM.

2013 Budget Request

It was moved by S. McNicol, seconded by P. Lubitz and carried to request \$20,000 from the Township Committee for the Planning Board Other Expense for 2013. All members voted **AYE**.

Schedule 2013 Re-Organization Meeting

It was moved by J. Strasser, seconded by E. Niemann and carried to schedule the Re-Organization meeting of the Kingwood Township Planning Board for Thursday, January 10, 2013 beginning at 7:30 PM. All members present voted **AYE** on **ROLL CALL VOTE**.

Minutes

It was moved by P. Lubitz, seconded by S. McNicol and carried to approve the minutes of November 8, 2012 and place on file. All members present voted **AYE** on **ROLL CALL VOTE**, except J. Strasser, who **ABSTAINED**.

APPLICATION STATUS

CORRESPONDENCE

NJ Planner – September/October 2012;
Franklin Township – Comprehensive Farmland Plan

PRIVILEGE OF THE FLOOR

ADJOURNMENT

It was moved by S. McNicol, seconded by M. Synchron and carried to adjourn the meeting at 8:02 pm. All members present voted **AYE**.

Respectfully submitted,

Diane Laudenschick, Secretary